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2

TRIAL:

Commonwealth vs. J. T. Buckingham,

ON

AN INDICTMENT FOR A LIBEL,

BEFORE THE

MUNICIPAL COURT OF THE CITY OF BOSTON,

DECEMBER TERM, 1822.

"The Liberty of the Press and the Liberties or the People must stand or fall together." HUME.

FOURTH EDITION.

BOSTON:
PUBLISHED BY J. T. BUCKINGHAM.
1830.

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AL 985.6.51

1881, July 19.
Gift of
Chas. H. Stone,
of Cambridge.

DISTRICT OF MASSACHUSETTS, TO WIT:

District Clerk's Office.

BE it remembered, that on the twentieth day of December, A. D. 1822, in the forty-seventh year of the Independence of the United States of America, Joseph T. Buckingham, of the said District, has deposited in this office the title of a book, the right whereof he claims as proprietor, in the words following, *to wit:*

"Trial: Commonwealth *vs.* J. T Buckingham, on an Indictment for a Libel, before the Municipal Court of the City of Boston, December Term, 1822.—'The Liberty of the Press and the Liberties of the People must stand or fall together.'—*Hume.*"

In conformity to the act of the Congress of the United States, entitled, "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned:" and also to an act entitled, "An act supplementary to an act, entitled, 'An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies during the times therein mentioned;' and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints."

JOHN W. DAVIS,
Clerk of the District of Massachusetts.

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ADVERTISEMENT.

The following may be received as an authentic Report of a Trial, which has been the cause of considerable public excitement, and which, it is hoped and expected, will result in some permanent public good.

The opinion of the Court on the right of a defendant in cases of public prosecution for a Libel to give the truth in evidence, the charge to the jury, and the arguments of the Counsel, both for the prosecution and for the defendant, have been furnished by the respective authors. The report of the testimony, as given by the several witnesses, was made out at first from the minutes of the defendant's counsel, and was afterwards compared with the minutes kept by the Court and the notes of several gentlemen who were present during the Trial. The incessant and importunate calls of the public, however, for the publication of the Trial, have rendered it impossible to present, even at the present time, so full and circumstantial a Report, as was at first intended, and the arguments of the counsel particularly are much abridged.

The Depositions, procured by the defendant, and to which frequent reference is made by his counsel, were not admitted by the Court to be laid before the jury. They, of course, form no part of the Trial. A few of them, which tend to substantiate some important allegations in the publication for which the prosecution was commenced, are added in an Appendix. The whole of them are on file at the Clerk's office, for the examination of those who may feel an interest to see them.

It having been unjustly suggested, since the trial, that Mr Jones jun. was a voluntary witness, it is proper to state, that this respectable clergyman was preaching at Hanover, in this state, at the time the indictment was found—was immediately summoned, his fees tendered by the defendant, and he attended here in obedience to that summons.

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☞ Since that part of this Report, which contains the *introduction*, was printed, the following note has been received from the COUNTY ATTORNEY.

"There is an important and essential mistake in your introduction.

"The Attorney of the Commonwealth never assumed the right to let the defendant give the truth in evidence—and did not state that as a fact either to the Jury or the Court.

"On the arraignment of the defendant, he moved the Court for liberty to give the truth in evidence on his trial. The Attorney consented to waive any objection on his part; and it was then understood that such evidence would be received by the Court. At the opening of the trial he informed the jury that if the defamatory piece described in the indictment had been published by the defendant, he must be convicted, unless he could offer some justification or excuse. That it was understood he proposed to attempt to prove the charges to be true, and that no objection would be made on the part of the prosecution, to evidence of that kind."

The above explanation was made by Col. Austin to the Court, on one of the occasions, on which this question was under its consideration. We are happy, in this opportunity to rectify the omission. Our endeavour was to compress in our statement what was said by the Court on this point, on both those occasions.

The mistake occurred not so much through forgetfulness, as through our not sufficiently appreciating the importance of that explanation; inasmuch as it makes no difference in the main question, which turned not upon the right of the Counsel, but upon the duty of the Court.

Some power was exercised by the counsel. Either the power to agree, or to concede, or "*not to object.*" The responsibility of the Court depended on its acquiescence.

If by a course of *non-objecting by the Counsel, and acquiescing by the Court*, one defendant might be permitted to give the truth in evidence, and it might be denied to another, at the will of either Court or Counsel, the effect and public consequences are the same. A different rule would be applied to different defendants in similar cases, at the discretion solely of the Court or Counsel. A power, which, if suffered to grow into precedent, might result, in corrupt times, in the most pernicious favoritism.

☞ The three first editions of this Trial have, for several years, been entirely out of print; and the feelings which were produced, almost unavoidably, on one party, in consequence of the prosecution, and on the other, in consequence of the result, it is believed, have been long dead and forgotten. It is not imagined that they can be revived by the present publication, which is permitted, by the proprietor of the copy-right, to meet the occasional demand for copies which he could not supply.

December 28, 1829.

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TRIAL.

CITY OF BOSTON.

MUNICIPAL COURT, *December Term*, 1822.

MONDAY, December the sixteenth, having been appointed for the Trial of JOSEPH T. BUCKINGHAM, on an Indictment for an alleged LIBEL, on JOHN N. MAFFIT, the Court opened at nine o'clock, A. M.

Hon. JOSIAH QUINCY, *Judge.*
JAMES T. AUSTIN, Esq. *Attorney for the Commonwealth.*

Counsel for defendant, Hon. STEPHEN HOOPER, of Boston, and BENJAMIN F. HALLETT, Esq. of Providence.

JURY empannelled and sworn.

JOSEPH TILDEN, *Foreman.*	BENJAMIN LORING,
JOSEPH F. BOARDMAN,	JOHN MILLER,
JOHN FARRIE,	EBENEZER NILES,
ASA HOLBROOK,	OTIS VINAL,
JOSEPH KIDDER,	LEVI WILLARD,
FREDERICK LANE,	DANIEL WISE.

The indictment was read by the Clerk, as follows:

COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, TO WIT: At the Municipal Court of the City of Boston, begun and holden at said Boston, within and for the County of Suffolk, on the first Monday of November, in the year of our Lord one thousand eight hundred and twenty-two.

The Jurors for the Commonwealth of Massachusetts on their oath present, That Joseph T. Buckingham, of Boston aforesaid, Printer, on the eighteenth day of October, in the year of our Lord one thousand eight hundred and twenty-two, at Boston aforesaid, with force and arms, contriving and intending to vilify and defame one John N. Maffit, a Preacher of the Christian religion according to the doctrines of a certain sect of Christians, called Methodists, and a Clergyman of that persuasion, usually preaching to a congregation of said sect in their Chapel in said Boston, and to bring him into public scandal, infamy and disgrace, did unlawfully and maliciously compose and publish, and cause and procure to be composed and published, a certain false, scandalous, malicious and defamatory libel of and concerning the said John N. Maffit, containing therein, amongst other things, the false, scandalous, defamatory and libellous words, and matters following, of and concerning the said Maffit, and of and concerning his conduct as a clergyman as aforesaid, that is to say,

"We expect that he [meaning said Maffit] will relate all the particulars of his temptations: how he has been buffeted by Satan; how he [meaning said Maffit]

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has been accused of preaching the sermons of distinguished English clergymen; [meaning that said Maffit had fraudulently preached from the pulpit the sermons of other persons as for his own.] How he [meaning said Maffit] denied the charge and afterwards acknowledged its truth, [meaning that said Maffit had been accused of preaching sermons written by distinguished English clergymen, as sermons written by himself, and had denied that he had so done, and afterwards confessed that he had so done.] How he [meaning said Maffit] had endeavoured to 'sink the Tailor,' by denying that he was a journeyman of that honourable profession and afterwards allowed that he was, when proofs were too strong to be resisted; [meaning that said Maffit was guilty of falsehood concerning his former profession in life.] How he [meaning said Maffit] coaxed a young lady to look in his face and sing, 'Come to my heart, thou stricken Deer,' [meaning that said Maffit was guilty of lewd and indecent behaviour to a female.] How he [meaning said Maffit] declared to a young clergyman of the Episcopal Church, who had been intimate with him, that he [meaning said Maffit] disbelieved the Christian religion, [meaning that said Maffit had declared that he disbelieved the Christian religion.] How he [meaning said Maffit] ridiculed the persons who came to his altar to be prayed for; [meaning that said Maffit ridiculed those persons who desired the prayers of Christians assembled for public worship in the aforesaid Methodist Chapel in said Boston.] How he [meaning said Maffit] disclosed facts and betrayed confidence when he had pledged his honour to observe secrecy, [meaning that said Maffit had pledged his honour not to disclose facts and betray confidence, and in violation of said honor had disclosed facts and betrayed confidence.] How by cunning and malicious tattling he [meaning said Maffit] excited discontent and quarrels among persons before frendly, and even between members of the same family, [meaning that said Maffit had by his tattling and cunning excited discontent and quarrels among persons before friendly and among members of the same family.] How he [meaning said Maffit] procured two young ladies to watch with him during his pretended sickness, and how he contrived to send one of them out of the chamber that he might be left alone with the other; [meaning that said Maffit pretended to be sick when he was not sick, and that he then procured two young ladies to watch with him, and that he contrived to send one out of the room that he might be alone with the other for lewd and dishonourable purposes.] How by his [meaning said Maffit's] hypocrisy he contrived to make fools of a great many people, [meaning that said Maffit was a hypocrite:] If we [meaning said Buckingham] should be disappointed in these expectations, we [meaning said Buckingham] shall procure the particulars from some other source (one perhaps entitled to quite as much credit) and publish them for the gratification of all those young ladies of Boston, who, overflowing with love, are ready to sink into his arms, and for the comfort of all those silly old women, whether in breeches or in petticoats, who pay their adoration to the man because—his wife had twins:"

Which said false, malicious, scandalous and defamatory libel he, the said Joseph T. Buckingham, thereafter on the same day caused to be printed and published in a certain Newspaper, called, "The New-England Galaxy," by him there edited, printed and published, to the great scandal and disgrace of said Maffit, bringing into contempt the Holy Christian Religion, whereof he is a Minister; and against the peace of said Commonwealth.

A true bill.

JOHN BRYANT, *Foreman of the Grand Jury.*

JAMES T. AUSTIN, *Attorney for Commonwealth, Suffolk County.*

NAMES OF THE GRAND JURORS.

JOHN ADAMS,	EPH. HARRINGTON,
JAMES BARTLET,	LEWIS LELAND,
JOHN BROWN,	HAWKES LINCOLN,
CHARLES R. CODMAN,	ABBOT LAWRENCE,
JOHN COTTON,	JOHN C. PROCTOR,
PETER COFFIN,	SAMUEL SPRAGUE,
SAMUEL HOWE,	GEORGE SUTHERLAND,
HENRY HOLMES,	JOHN WELLS,
JEREMIAH THORNDIKE,	MOSES WILLIAMS.

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After the indictment was read, the Attorney for the County stated to the Jury, that, by the Common Law of this country, it was not competent for the defendant to give the truth in evidence on an indictment for a libel; but in this case he had agreed, on the behalf of the Commonwealth, that the truth should be admitted. He stated, that the true definition of a libel was a defamatory publication; to this point he cited Hok's Law of Libel, 221. He contended that whether this publication was true or false, was no part of the libel. The crime consists in the paper being a defamatory publication; malice is no ingredient in the offence; to this point he read from Holt, 187. The only case the government had to make out, was the publication by the defendant of a defamatory piece. But in the present case he had consented that the defendant should give the truth in justification. The publication was admitted by the defendant, without any witnesses being called to that point. The County Attorney then proceeded to take a general view of the publication. That its whole tenor was sneering and sarcastic; that it contained thirteen specific defamatory allegations, and that the defendant was bound to make out each specific allegation to entitle him to the verdict of the jury. 1. It charged the Rev. John N. Maffit with having preached the sermons of English Divines as for his own. 2. That he had denied he had so done, and afterwards confessed he had so done; and had uttered a falsehood. 3. That he had been guilty of a falsehood as to his former occupation in life. 4. That he had requested a young lady to look in his face and sing an improper song. 5. That he disbelieved the Christian religion. 6. That he had ridiculed his converts, and those persons who, according to the custom of religious people, had requested his prayers, when assembled for religious worship. 7. That he had betrayed confidence when he had pledged his honor to secrecy. 8. That by cunning and malicious tattling he had excited quarrels between persons before friendly, and between members of the same family. 9. That he had feigned lameness. 10. That he had procured two young ladies to march with him, and sent one out of the room for dishonorable purposes. 11. That he was a hypocrite. 12. That he is a notorious common liar. 13. That he had been guilty of gross sensuality and licentiousness, only surpassed by what we had read in the legends of the monks. He then referred to the religious excitement on this subject, and warned the jury against imbibing any prejudices on that account.

After the opening by the County Attorney, the Counsel for the defendant stated to the Court, that they should have a motion to submit, that certain depositions taken in Providence, on due notice given both to the County Attorney and to John N. Maffit, might be used in the trial.

The Court inquired of the Attorney for the County,—if the law of Massachusetts denied the right to a defendant to give the truth in evidence in these cases, where he obtained the power to give that right?

The Attorney replied, That he deduced it only from the general power of parties, to waive, by a mutual agreement, any particular advantage the law gave to either.

The Court replied, that it had considered this subject with great

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care and anxiety, and it was satisfied, that, if the law of Massachusetts was, as the Counsel for the government stated, the Court had no right to permit such an agreement. This case was not like the common cases of inadmissibility of evidence, arising out of the want of form, or the existing of interest, or out of the mere nature and relations of evidence itself. The ground upon which, by the English Common Law, the truth was denied to be given in evidence, in case of libel, was, because the truth or falsehood of the allegations was no constituent part of the crime. In other words, it is as much a libel if it be true, as if it be false; that is, it is as much a crime.

If the doctrine asserted be law, what then is the effect of admitting the truth in evidence? If it is to have any effect, the effect must be *to make that no crime, which previous to such concession was a crime.* Can the concession of the Attorney alter the nature of the thing? The language of such a course of proceeding would be, "True or false, this publication is a crime; but the Attorney says, that if the defendant can prove the truth, it shall be no crime. Yet the law says, that although it be true, it is a crime." Now can concession of Counsel make that no crime, which is a crime?

Besides, it is admitting a power to exist in the hands of the Counsel of the Government, with which, in the apprehension of this Court, the law entrusts no individual. For it is nothing less than the power, at will, of making an act a crime, or no crime. He can make "fish of one, and flesh of another," at his election.

If therefore it be true, as is asserted, that, by the law of Massachusetts, the truth shall not be given in evidence, in cases of libel, this Court has no doubt concerning its duty. In such case, it can have no question that it has no right to admit such evidence by agreement.

The Court, therefore, deems itself reluctantly compelled to examine the doctrine of law, which is asserted by the Counsel for the Government.

The question concerning the admissibility of the truth in evidence, in cases of libel, has, on two recent indictments, been brought under the consideration of this Court. In one case, the libel was against *the holders of public elective offices.* In the other, against *the public agent of a public elective officer.* Both came within the principle of the doctrine laid down by Chief Justice Parsons, in the case of *The Commonwealth* vs. *Clap*, 4 Mass. Rep. 163. Both also, were so undeniably within the principle of the liberties secured by our Constitution, that this Court could have no hesitation concerning its duty to adopt the doctrine of that case as applicable to those cases, without farther investigation.

The same question is now raised in a case differing materially in character, from both of the preceding. The libel, charged in the present indictment, is neither against the holder of a public elective office, nor against a candidate for such office, nor against any agent of such holder. In the present case, the libel charged is against an individual, who, whatever may be his connexion with a particular religious society, stands, in relation to this question, on the same ground as every private citizen. And the question now to be considered is, the admissibility of the truth in evidence in the case of libels, occurring in the use of the press, against a private citizen.

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The case of *The Commonwealth* vs. *Clap*, has no conclusive bearing on the question, arising under the present indictment. That was a case of a public posting of another, for "a liar" and "a scoundrel." It did not occur, in the use of the liberty of the press. Neither the Counsel for the Government, nor those for the Defendant, in their respective arguments, nor the Court, in giving its opinion in that case, allude to any such liberty. It had, apparently, no connexion with the question then before the Court. That which is now under consideration, is strictly and necessarily a question concerning the nature and extent of the liberty which the press, under our constitution, enjoys.

In other words, the question now to be considered is, whether the right to give the truth in evidence, in all cases of public prosecution for publications occurring in the use of the press, does not necessarily result from the terms of the Constitution of Massachusetts.

Considered in relation to this Constitution, the question stated is a question of alleged repugnancy between a particular liberty secured by that Constitution, and a particular doctrine existing at Common Law.

The particular liberty, is the liberty of the press, which the Constitution declares to be "essential to the security of freedom" in a state, and that "it ought not therefore to be restrained in this Commonwealth." The particular doctrine of the Common Law is, "that in public prosecutions for libel, the truth of the facts, alleged in the publication, shall not be given in evidence."

The alleged repugnancy is between the principles of this doctrine and the nature of that liberty.

The first question that now arises is—whether there be any such repugnancy?

If there be none, then there is an end of the whole inquiry. The liberty of the press is safe, and the principles of the doctrine are to be maintained.

If there be any such repugnancy, then the resulting question is,—which is paramount, the particular liberty, or the particular doctrine? In other words, if both cannot exist together, which must yield;—which shall be limited, the nature of the liberty by the principles of the doctrine, or the principles of the doctrine by the nature of the liberty?

Although this last question is in its nature subsequent to the other, yet, as I apprehend there can be no division of sentiment upon it among lawyers, it will be useful now to state its nature and relations.

The 6th section of the 6th chapter of the Constitution of Massachusetts is that clause, under which the colonial and all antecedently existing laws derive their force and authority. And that clause contains an exception, which abrogates "such parts of those laws, as are repugnant to the rights and liberties contained in this Constitution."

This is as express a constitutional declaration as can be uttered, that in all cases of such repugnancy the exception is to be made out of the principles of the doctrine of the antecedently existing law, and not out of the nature of the constitutional liberty.

The only question, therefore, is, whether there be any repugnancy between the nature of the liberty of the press, and the principles of

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the Common Law doctrine. If such repugnancy exist, there can be no question that, under our Constitution, the principles of that doctrine must be limited by the nature of the liberty.

Before entering upon the general question, it seems proper to state a rule of construction, applicable to all cases, *arising under the Constitution, of this nature*, which appears to this Court to be as clear and unquestionable as any conclusion of reason can be.

In all questions touching repugnancy between a particular liberty, existing under the Constitution, and a particular doctrine existing under the antecedent law, the essential constituent character of that liberty is to be sought in its own nature, and not to be sought in the principles of the doctrine alleged to be repugnant. For it would be absurd to take the principles of a particular doctrine as the limitation of the nature of a particular liberty, when the question in controversy is, whether the nature of that liberty does not necessarily limit those very principles.

What the nature of the liberty of the press is, under our Constitution, must be sought therefore in its own nature, and not in the principles of the antecedent law. The doctrine of libel is, in all countries, a doctrine of power. In England the object has been to draw questions of this class from the jurisdiction of the Jury to that of the Court. The means by which it has been effected are the assumption by the Court of three principles.

1st. That criminality in publications depends upon their general tendency, and not upon the publisher's particular intention.

2d. That the tendency of the publication is a question of law, to be decided by the Court, and not by the Jury.

3d. As the general tendency of a publication may be to public mischief, notwithstanding the facts alleged in it be true; that it follows in such cases, that the truth or falsity of those facts is indifferent; and that therefore the truth shall not be allowed to be given in evidence.

In the course of this argument, it will be attempted to be shown, that the first of these principles is false in nature; the second, false in fact; and the third, false in consequence.

The question, however, first to be considered is—

What is the liberty of the press?

When we have found what that is, we have attained that which the Constitution declares (part 1, art. 16) is "essential to the security of freedom in a state;" and which "ought not therefore to be restrained in this Commonwealth."

"The liberty of the press," whatever it is, courts of justice have no right to restrain.

The great question then is, what is that liberty?

It is not becoming a court of justice to deal in popular declamation and flourishes concerning the liberty of the press.

Its business is to analyze every subject, and among the depths and mysteries of its nature to detect those fundamental principles, which, because they inhere in it, and are inseparable from it, constitute its law.

The question here raised concerning the liberty of the press, has nothing to do with public opinion, or popular excitement; it is a

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naked, abstract inquiry, instituted for the purpose of satisfying ourselves concerning our own duties.

What then is the liberty of the press?

First. What is the press?

It is an instrument; an instrument of great moral and intellectual efficacy.

The liberty of the press, therefore, is nothing more than the liberty of a moral and intellectual being (that is, of a moral agent) to use that particular instrument.

The question, therefore, concerning what is the liberty of the press, resolves itself into two inquiries.

1. What is the liberty of a moral agent to use any instrument?

2. Is there any thing in the nature of the instrument called the press, which makes the liberty of a moral agent to use it, different from his liberty to use any other instrument?

As to the first inquiry, there can be but one opinion. As a general rule, the liberty of a moral agent to use any instrument, depends upon the motive and end he has in using it.

For a good motive and a justifiable end, he has a right to use it; that is, he has a liberty to use it.

For a bad motive and an unjustifiable end, he has no right to use it; that is, he has no such liberty; in other words, such use of it is licentiousness.

Liberty is, in relation to every other instrument, characterized by, and co-extensive with, the nature of its justifiable use. And this depends upon the quality of the motive and of the end.

If A. thrust B. through with a sword, and he dies, A. has used an instrument over which he had power; whether in that he was guilty of an act of licentiousness, for which he is obnoxious to punishment, or merely exercised an authorized liberty, for which he shall go free, depends not upon the fact, or the effect, but upon the motive and end, which induced the thrust.

If A. be indicted for the murder of B., A.'s guilt or innocence depends, not upon the conclusion of law to be declared by the Court, resulting from the fact of the blow given, and the effect of death, which followed, but it depends upon the conclusion, concerning the intent or motive of the moral agent, to be declared by the Jury.

If A. should be indicted for the murder of B., and the Counsel for the Commonwealth should contend, and the Court should decide, that the Jury had nothing to do with the intent, or motive, which was the occasion of the thrust, but that their sole province was to decide,—1. The fact, that A. made the thrust; 2. The effect, that B. died by it; and that the intent, motive, and preconceived malice was a conclusion of law from that fact and that effect, to be declared exclusively by the Court; a doctrine so repugnant to common sense would not be endured one moment.

Yet this is the precise doctrine of the English Courts of Common Law, in the case of libel. It is that doctrine, on which depends, and solely depends, the other doctrine, that the truth shall not be given in evidence by defendants in public prosecutions for libel.

For if the liberty to use the press depended, like the liberty to use every other instrument, upon the quality of the motive and the end;

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and if the Jury, in deciding the guilt or innocence of the accused, had a right, in these prosecutions, to take into consideration the intent, motive, or end, as they have in deciding guilt or innocence, in every other prosecution, then the right to give the truth in evidence would follow necessarily and of course. For the truth or falsity of the allegation is, in all such cases, an inseparable quality of the intent, or motive; and whatever jurisdiction has the power of deciding concerning the intent or motive, must of necessary consequence have the power of considering and deciding upon such truth and falsity; whether the object of the defence be to justify the act, or to excuse the malice.

It follows, that by denying to Juries the right to decide on the intent or motive in making the publication, and by this only, have the English Courts of law deprived the defendant of the right of giving the truth in evidence. It also follows, that if, by the principles of our Constitution, Juries have the right to consider the intent or motive, in deciding every question concerning guilt or innocence, then the right of giving the truth in evidence is a necessary consequence.

Now this right of deciding upon the intent, or motive, is inherent in Juries, in every case of public prosecution, except in the case of libel.—Why this exception?

If A. uses the press to assail the reputation of B., he makes a thrust at the reputation of B. by the use of that weapon, called the press. If A. make a thrust at B., with the weapon called a sword, in case of a public prosecution for that act, he has the right to show the intent or motive, with which he gave the thrust. Why shall he be denied the same right, when he makes a thrust at him with the weapon called the press?

This brings us to the second and great inquiry in this case:—

Is there any thing in the nature of the instrument, called the press, which makes the liberty of a moral agent to use it, different from his liberty to use any other instrument?

The liberty of a moral agent, in the use of every other instrument, is, as has been shown, co-extensive with good motive and justifiable end; the question, therefore, resolves itself into this:—

Is there any thing in the nature of the instrument, called the press, which makes the liberty of a moral agent to use it, not co-extensive with a good motive and justifiable end?

In other words, Is it possible, that in a free country, under a Constitution which declares the liberty of the press is essential to the security of freedom, and that it ought not to be restrained; is it possible, that it is not the right of every citizen to use the press for a good motive and justifiable end?

If this be, as I think, incontrovertible; if, necessarily, every citizen has such right, then, if called in question for such exercise of right, has he not also, consequently, a right to prove the goodness of the motive, and the justifiableness of the end? Can the Law, or Constitution, give a right to use an instrument for a particular purpose, or under a specific modification, and deny the right of proving that it was used for that purpose, or under that specific modification?

If, then, he have a right to prove the motive and end, must he not have a right also to prove it according to its nature? That is to say,

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if from its nature the proof to be adduced be a matter of fact, can it be doubted that he has a right to prove it as a matter of fact, before that jurisdiction, which, under our constitution, has the only cognizance of matter of fact—the Jury?

Can it be questioned, that motive, end, intent, are in their nature matters of fact?

Are they any thing else than qualities of the act of a moral agent? And if the act of such agent be a fact, can the qualities, which inhere in it, and are constituent parts of its nature, be any thing else than facts?

If facts,—are they not cognizable by a Jury, and subject of proof like other facts?

In the opinion of this Court, this right is as inherent in every citizen, under our constitution, and a court of justice have no more right to deny to a person charged with a malicious use of the press, the liberty to show that its use was, in the particular case, for a good motive and a justifiable end, than it has a right to deny to a man indicted for murder, the liberty to show that he gave the blow for a purpose which the law justifies. Both these liberties lie within the same reason, and are founded on that fundamental and universal law of moral nature, according to which guilt or innocence, in a moral agent, is solely qualified by motive or intent.

If this reasoning be just, the liberty to use the press is, like the liberty to use any other instrument, co-extensive with a good motive and justifiable end. The right so to use this instrument, necessarily includes the right to show such motive and such end, if prosecuted for it. And this includes the right of giving the truth of the facts alleged in evidence, as inseparable, in the nature of things, from the goodness of the motive and the justifiableness of the end. For such a motive and end falsehood can never be published. It follows necessarily, that to prove the truth of the fact, is essential to the very existence and nature of such a defence.

It is in vain to say that the principles of the Common Law deny to a man indicted for a libel, occurring in the use of the press, the right to show his intent, motive, or end. For if, as has now been attempted to be demonstrated, the right to show the intent, motive, or end, of the act done, in the use of the liberty of the press, is included in, and inseparable from its very nature, then the denial of this right by the principles of the Common Law is repugnant to that liberty, and as such is abrogated by the terms of our Constitution.

The great reason, on which English courts declare the Common Law excludes the truth in these cases is, that the law punishes publications of a libellous character, on account of their public mischief; that is, of their tendency to produce breaches of the peace. Publications have this tendency, it is said, as well when they are true as when they are false; therefore truth, in such cases, makes no difference.

Now these general consequences attending the unrestrained liberty of the press, were as well understood at the time of the adoption of the constitution, as they are at this day. The restraint upon the liberty of the press, effected by this principle, had been for years, even in England, the subject of complaint, clamour, and denial. Why did

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the framers of our constitution adopt, in relation to the liberty of the press, a breadth of expression, which necessarily includes the right of always using it for good motives and justifiable ends, if it was their intention that any citizen, so using it, should be made, in any case, criminally responsible, without the possibility of producing his intent for his justification? If it had been their intention that the liberty of the press should be limited by the principles of the Common Law, would they have used expressions, which necessarily limited those principles, from their repugnancy to that liberty?

Touching the three principles, by the assumption of which English courts of Common Law have, as has been stated, effected the withdrawing from the jury the jurisdiction of intent and tendency, in cases of libel, and on that raised the doctrine of the inadmissibility, in such cases, of the truth in evidence;—The first is—that criminality in publications depends upon their general tendency, and not upon the publisher's particular intention. Now this, in the apprehension of this Court, is false, in nature.

In the nature of things, the only foundation of criminality in a moral agent is—*intention*. By which is meant,—will to do either a particular mischief, or some general mischief.

If any act of a moral agent be of such a nature as to have, at one and the same time, a particular tendency, and a general tendency, the law often, and justly, considers such act a crime, because of the mischievous nature of its general tendency, although the particular tendency may have been innocent.

Thus if A. ride a horse, accustomed to strike with his heels, into a crowd, and a man be killed by him, it may be murder, or manslaughter, in A., according to the circumstances. A crime of some kind it will be. Why? Because, although the particular intention of A. might have been innocent, yet, he having been guilty of an act of general mischievous tendency, and the only evidence, in such case, of his general intent, being the nature and general tendency of the act, the law, which is only elevated reason, admits, and justly, the general mischievous tendency of the act, as evidence of a general mischievous intent. But here, as in nature, criminality consists in the intent. Tendency is the evidence of that intent.

But this doctrine would not answer the purpose of English courts of justice, because intent, being a fact, the jurisdiction of the question, as a fact, would be transferred to the jury, which it was the purpose of the court to keep in their own hands. Therefore nature was contradicted; criminality was made to depend upon the tendency of the act, instead of the intent. It was now only necessary to make the tendency of the act a question of law, and the magic circle was completed; the jury excluded from the cognizance of the question, and the whole power vested in the court.

Accordingly, this is the second principle adopted by English courts of justice:—That the tendency of the publication is a question of law; and, of consequence, to be decided by the court, and not by the jury. Now this, also, is false, in point of fact.

Tendency, in the nature of things, is a fact, whether it be physical or moral. What is tendency? It is direction of an act to an end. If A. aim, with an axe, a stroke at a tree, and he kill B., the direction

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of the blow is a fact, upon which a jury will have to decide, when considering the guilt or innocence of A.

So in morals, if a man be indicted for blasphemy, the tendency and meaning of the words are a question for the jury, as matter of fact.

The same is true of general tendency as of particular tendency.

Tendency, by being general or particular, is only altered in circumstance, not in nature.

If A. throw down from a scaffolding, carelessly, into a crowded street, a piece of timber upon B. and he die, it is a crime in A. in consequence of the general tendency of the act. Can any one doubt that the circumstances, on which the general tendency depends (that is, whether a street or not, or frequented or not, or with precaution or not), are not facts to be considered by a jury?

Why is not the general tendency of a publication also a fact?

The particular tendency of the terms is a fact; for courts permit juries, even in England, to decide upon the applicability of the innuendoes. If particular meaning be a fact, why is not general meaning a fact? In the nature of things there is no ground for the doctrine that the general tendency of publications, is not a matter of fact. As such, it belongs exclusively to the jury. And of all facts, it is the last of which a jury, in this country, should be divested.

A constitution, which grants to the citizen the liberty of the press, secures to him also, from the very nature of that grant, the liberty of using language according to its common meaning and ordinary acceptation.

If called into question for the use of that liberty, he has a right to have the meaning, acceptation, general tendency, or bearing of the words, decided by that tribunal, which, by our constitution, is the exclusive judges of fact, and who will decide upon that meaning, tendency, bearing, or acceptation, according to their general nature or effect; judging by the use of common life and common sense, and not according to artificial skill, or any technical refinement.

For which reason, among others, in the opinion of this Court, the third doctrine of the English courts—that the truth shall not be given in evidence, in cases of prosecutions for libel, is false, in consequence. For if the jury have a right to decide the intent and tendency, the right to have evidence of the truth follows necessarily and of course.

It is not to be denied that there are evils inseparable from the abuse of the liberty of the press, as from the abuse of every other liberty. But it is secured by our constitution, in terms, as this Court apprehends, expressly devised, and certainly having the effect, to abrogate the asserted doctrine of the English Common Law, in this Commonwealth.

The true language of the constitution of Massachusetts is this—It is better for the public to take the risk of the evils, and for individuals to suffer the inconvenience resulting from a press without other restraints than those which are consequent on the obligations of good motive and justifiable end, than for the state to incur the dangers, resulting from any uncertainty in the tenure of a liberty, which, as it declares, is "essential to the security of its freedom."

It would be easy to extend this argument into one of a general and popular tendency, but sufficient, as is apprehended, has been urged to

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support the doctrine, that intent and motive is as much an inquiry for the jury in these, as in any other indictments, and that, of consequence, the right to give the truth in evidence in all cases of public prosecutions for libel, occurring in the use of the press, is the necessary result of the terms in which the liberty of the press is secured by the constitution of Massachusetts.

The Court has confined itself to a strict and single deduction of the right in question, from the essential nature of the liberty of the press. Not that the question did not admit of being maintained by an argument drawn from precedents and authorities, arising under the English Common law. But it is impossible for this Court to add any thing to the deep, learned, and conclusive arguments of Judge [now Chancellor] Kent, of the state of New York, and of the late Alexander Hamilton; both of them among the greatest men and lawyers of the age. Their arguments, stated at large, in 3 Johnson's Cases, p. 337, are as complete as they are unanswerable.

The doctrine here maintained, is deduced by them from the ancient fountains of the Common Law, as they existed in its early purity. The modern doctrine of libels being, in the course of their analysis, satisfactorily proved to be "an usurpation on the rights of the jury," not justified by the fundamental principles of the Common Law. To adopt the language of Chancellor Kent—"*The true rule of law is, that the intent and tendency of the publication is, in every instance, to be the substantial inquiry on the trial, and that the truth is admissible in evidence to explain that intent, and not in every instance to justify it.*" The comprehensive and accurate definition of one of the counsel at the bar (Alexander Hamilton) is perfectly correct:—THAT THE LIBERTY OF THE PRESS CONSISTS IN THE RIGHT TO PUBLISH, WITH IMPUNITY, *truths, with good motives and for justifiable ends*, WHETHER IT RESPECTS GOVERNMENT, MAGISTRACY, OR INDIVIDUALS.—3 Johnson's Cases, 394.

This opinion of the Court having been delivered, rendering evidence of the truth admissible—the counsel for the defendant stated, that they considered this the proper time to make known, that most of their principal witnesses resided in another state; that they had no means to compel their attendance; that they had requested the attorney for the Commonwealth to consent to join in a commission to take their depositions; that the same request had been made to J. N. Maffit. Both these gentlemen having declined to take any part in the examination of said witnesses, the defendant had then given them due notice that he should proceed to take the depositions of such witnesses—and had offered also to give notice to any persons whom they might select, to attend on the part of the government, in the places where the witnesses resided. That this offer, also, having been refused, the defendant had proceeded to take the depositions of several witnesses residing in other states, before respectable magistrates—that the depositions so taken, were then in court—and the counsel moved the court, that under these circumstances the depositions might be admitted in evidence. This motion was opposed by the county attorney. The Court decided that the depositions could not be admitted without consent. The attorney for the government said that he could not consent to admit them.

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The defendant's counsel then moved, that the trial of the cause should be postponed, until the county attorney should consent to join in a commission for the purpose of examining such witnesses, or that an opportunity might be afforded to procure their personal attendance; and in support of the right of the defendant to such continuance, they cited 1 Cowper, 174, *Fabrigas* vs. *Mostyn;* and U. S. Law Journal, *The People* vs. *Hunt;* both of which authorities fully established it. This motion, also, was opposed by the county attorney. The Court decided that the motion should have been made before the jury were empannelled. The counsel for the defendant replied, that it could not have been offered with propriety before. That until the Court had decided that the truth should be admitted, it would surely have been improper to take for granted that opinion, and to offer a motion for the introduction of evidence showing the truth, which evidence was also taken under peculiar circumstances; and they stated, also, that they had suggested, before the opinion of the Court was delivered, that they should probably have a motion on this subject to submit.

The Court refused, notwithstanding, to grant a continuance. The counsel for the defendant then stated, that they could obtain, in three days, the personal attendance of two most respectable clergymen from Providence, who have been prevented by their official duties from being here on the day of the trial, and requested, in case of the rejection of the depositions, that a postponement of the cause for three days might be granted. This also was objected to by the government, and refused by the Court.

The county attorney then said, that he had no opportunity to examine the depositions, as they had not been put on file.

They were immediately filed, and submitted to his inspection.

The Defendant then opened the Defence.

Gentlemen of the Jury,

I am indicted by the Grand Jury of the county of Suffolk, for an alleged offence against the peace and dignity of the Commonwealth. To this charge I have said that I am not guilty; I have appealed to my country, of which you are the legal representatives, for the truth of my plea; and now, under leave from this honourable Court, I stand before you, in person, to assert my innocence, and to speak in its defence.

This is to me an awful moment—full of uncertainty, apprehension, and peril. I am oppressed with sensations and feelings never known before. I am conscious that I am travelling a new and untried path, where unexpected difficulties attend every step,—whose end is enveloped in obscurity and darkness.

It is not from the impulse of vanity or conceit, that I have assumed the responsibility of any part of this defence. No foolish desire to exhibit myself in a novel character, in which success could bring me no reputation, in which defeat must inevitably be attended with disgrace, has induced me to adopt this course. I have been urged by other reasons, not necessary for you to know, and which it would be painful for me to disclose, to reject gratuitous assistance, which has

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been most generously offered by intelligent and respectable counsellors at this bar.

I expect from you, gentlemen, and from this honourable Court, some little indulgencies in conducting this defence, which a professional man might neither expect nor ask; for I am unlearned in the science of law, having never attempted to explore its uncertainties and secrets, or to unravel its dark though interesting mysteries.

I am also unused to public declamation. My profession and my labours from my childhood, have been mechanical. No academic halls, devoted to letters, to eloquence, and philosophy, have ever resounded with my voice. No groves, sacred to the muses, have ever whispered their airy responses to any poetical breathings of mine. The flowers of rhetoric never bloomed for me; and I have never been admitted to pass even the vestibule of the temple of science.

How then can I hope to win your favour? How expect to disengage myself from the net to which I am taken? How escape from the dangers of the thick and thorny wood in which I am entangled, where every step is pregnant with fear, and a single false one may plunge me into irrevocable misfortune?

I depend, for victory, gentlemen, on a single weapon, which the ignorant may wield as safely as the learned. This honourable Court has placed in my hand that two-edged sword, which, I trust, will clear my way before me. The attorney for the Commonwealth, with a magnanimity, a liberality, and a love of justice, which have ever characterised his official, as well as his private life, had previously given me a talisman, which will guide me through the darkest and most doubtful road. This talisman which is to guide, this weapon which is to guard, is *Truth;* before which the impostor and the hypocrite shrink and disappear like shadows beneath a vertical sun. Aided by this, and the justice of my cause, I rely, gentlemen, on your intelligence, your magnanimity, your love of virtue, your scorn of hypocrisy, your aversion to meanness and vice, your detestation of imposture and quackery, for a triumphant acquittal.

> "What better breast-plate than a heart untainted?
> Thrice is he armed, who hath his quarrel just,
> And he but naked, though locked up in steel,
> Whose conscience with injustice is corrupted."

I stand before you, gentlemen, as a criminal. The indictment accuses me of having written and published a false, scandalous, and malicious libel on the character of John N. Maffit, a preacher of the Christian religion of the Methodist persuasion. The offence is stated in the indictment to have been committed with force and arms, against the peace and dignity of the Commonwealth. You will observe, however, that the real prosecutor in this case is Maffit himself. The Commonwealth, by a fictitious and mischievous personification, *is likened to an individual, and endowed with character*, sensations, and *feelings;* while Maffit, the prosecutor, and who in reality is as much on trial as I am, is admitted to be a witness in his own case. Are the peace and dignity of this Commonwealth, gentlemen, such airy and evanescent qualities, such frail and perishable possessions, as to be put in jeopardy by the mere exposure of the ignorance, the quackery, and the folly of a single individual? Are they so deeply

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involved in the uncertain and slippery reputation of an itinerant preacher? No, gentlemen. This is the formal, technical phraseology of an indictment, as sublimely ridiculous, as it is profoundly absurd. Maffit is the only person injured by the publication; he and his friends are the prosecutors and the witnesses; theirs will be all the disgrace and the shame, unless they can convict me of a public and a criminal offence; it is their peace and dignity (forgive me for the inadvertent profanation of the term), it is their dignity which is offended; and to appease their resentment, the liberty of the press is to be sacrificed, and I, one of its humblest advocates, am to be offered up as a victim to their offended *dignity*, on the polluted altar of justice.

It is not necessary to go into a discussion upon the justice or injustice of the law of libel. This Court has given me leave to introduce testimony to prove, that in the publication alleged to be libellous, I have asserted nothing but what is true. If I can establish this point, or if I can satisfy you that I had good ground for believing what I published to be true, I shall be entitled to an acquittal, and I trust that the Court will instruct you to say that I am not guilty.

My defence is therefore predicated on the proposition, that I have published nothing but truth; and that truth and good intention justify the publication,—a doctrine, which, however novel in the practice of courts, is one which corresponds with the wishes, the feelings, and the good sense of every man in the nation. This day will form an era in the annals of American jurisprudence; posterity will look back and hail it as the day when the last tattered remnant of the banner of monarchy was struck from the temple of justice, over which it had floated for centuries,—and the standard of truth, freedom, and righteousness was planted in its place.

But it is not merely as a defender, gentlemen, of my own innocence that I now stand before you. I appear here as the advocate of order, religion, and morals; the advocate and supporter of that very peace and dignity, which the indictment charges me with having violated. In the course of this defence, I shall attempt to prove, and I trust it will be proved to your satisfaction, that what I have published is not an exaggeration of facts. I shall endeavour to prove to you that the conduct of the prosecutor is not that which becomes a follower of the humble Jesus, and a successor of the lowly fishermen of Gallilee—that instead of teaching the precepts of the gospel by his example (whatever he may do by his precept in the pulpit), he is scattering the infection and the seeds of vice; his way, like that of the snail, is indicated by the filth and the slime which track his progress; and when he stops, it is to revel and swelter in the rank atmosphere which envelopes the moving mass of moral putrefaction. I contend that it is the duty of every good citizen—it is the imperious duty of every honest man, to use his influence to stop the progress of this moral pestilence. Far from me be any attempt to magnify my cause by vain and ostentatious boasting; but I feel, gentlemen, that in opposing this man, I have done no more than my duty. I feel a consciousness, and I am proud to avow it, that like the high priest of the Israelites, I have taken the censer of fire in my hand, and gone forth into the camp, and stood between the dead and the living, to stay the plague which raged among the people.

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I am here, too, gentlemen, in a still more important character,—that of a champion for one of your dearest rights, and most valued privileges—a champion for the freedom of the press. I am an advocate for a 'press free to discuss all subjects fit for the public eye—privileged to tell every truth, and every fact, which it concerns the public to know.' I contend for the freedom of that press, which 'gives to individuals the power of exposing and punishing offences which no other power can reach, and which every individual has an interest in suppressing,'—such as 'assaults upon our liberties by bad rulers'—frauds upon the public by corrupt and unprincipled agents—knaves, who, dressed in a little brief authority, grow rich at the expense of honest men,—who hold the keys of the exchequer and rob its vaults. I contend for a press free to 'expose all inroads upon public morals, by daring and ostentatious innovators—insults to common sense and good taste, by bad authors,' shameless quacks, and ignorant pretenders. These are crimes against the public, which no judicial tribunal can reach or punish. These are offences committed where civil authority has no jurisdiction. There is no domestic retreat so secure—there is no public sanctuary so holy, that it cannot be invaded by the unhallowed or lawless foot, or poisoned by the pestiferous breath of the hypocrite. Even the church—

> 'God's lovely temple, *sees the villain* there,
> With eye upturned, and aspect false as fair—
> Even at the altar's very horns he stands,
> And breaks and blesses with polluted hands.'

You will perhaps be told, that the liberty for which I contend, is the licentiousness of the press. It is fashionable to declaim about this licentiousness, and to whine and whimper, to storm and to threaten, about the mischiefs which flow from an unshackled freedom of discussion in the newspapers; but this is mere declamation. The licentiousness of the press is a bugbear, which has no existence but in the imagination of those who are conscious of their own wickedness, and dread nothing but exposure—whose anxiety is, not to leave a crime undone, but to keep its commission unknown; who fear not the wrath of heaven, or the justice of the Almighty avenger, but tremble at the reproach of a satirist, and dare as soon beard the eternal devil on his throne, as to encounter in newspaper paragraph.

It is said to be difficult to draw the line between the liberty and the licentiousness of the press. This, too, is false. Public opinion has already drawn the line. It has placed metes and bounds, and said, 'Thus far shalt thou go and no farther.' It has thrown a spell around the upright, the virtuous, and the holy, which no licentious printer can invade, nor the shafts of his malice transpierce—and whenever such a one attempts to drag the pure and the honest from their sanctuary, he is instantly pursued, overtaken, and punished by public indignation. What has virtue to fear from the licentiousness of the press? Whoever heard—is there an instance on record—is there one in the memory of man,—of a virtuous and upright person, who suffered the loss of property or reputation, by this imaginary licentiousness of the press? No, gentlemen; the hypocrite, whose character is formed of such cobweb materials, that it cannot bear the hissing of a newspaper squib, may skulk behind an indictment for protection; but the

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man whose heart is pure, and whose hands are clean, has a character composed of more enduring qualities—the arrows of ridicule or of malice drop harmless at his feet; the ingredients of the poisoned chalice which had been mingled for him, return to plague the inventor; he stands upon a rock, 'unshaken, unseduced, unterrified;' an object of love and admiration to men; an object on which heaven itself may look down with reverence.

I shall now, gentlemen, bring before you such testimony as I have been able to procure, to substantiate the truth of the insinuations alleged to be libellous, and my counsel will offer to your consideration such comments thereon, and arguments, as I trust will justify the publication. I regret that this testimony is not more complete; and I wish you to bear in mind the fact, that the witnesses who can most fully substantiate every particle of what is alleged to be false in the indictment, live in the state of Rhode Island, and of course out of the jurisdiction of the Court. Many of them are females, and can with difficulty be persuaded to appear as witnesses in a court of justice, in any case. In the present case, this difficulty is increased by the prejudices of those witnesses, which are all in favour of the prosecutor. I have no power to compel their attendance; but I have no fears that the testimony which I shall produce, will be the less satisfactory because it is voluntary.

Gentlemen of the Jury, I am already in your *power*. And I commit myself (not to your *mercy*, for that is an attribute appertaining exclusively to the bench), but I appeal to your *justice*. It is for you to decide on my fate. It is for you to say whether I shall leave this place honourably and triumphantly, or covered with shame and degradation. It is for you to say, whether I shall go hence to my home, to enjoy the affections and partake of the sympathies of my wife, to meet the embraces and receive the kisses of my children,—or to the common gaol, that disgusting receptacle of infamy, pollution, and crime. It is for you to decide, whether I shall continue, for the little remainder of my life, to be a member of society, to unite with you in its pleasures, to share with you its honours, to suffer with you in its dangers, and to aid you in its defence; or to have my name blotted from the catalogue of man, a reproach to the good and virtuous, a by-word to the vulgar and the vile; while my person shall be buried alive in yonder prison,—that moral sepulchre, where many a man (I tremble even to think of it), where many a pure and honest man has been despoiled of all the refined, and elevated, and ennobling qualities of his nature—where many a buoyant, and ardent, and elastic spirit has been degraded and plunged into the bottomless pit of corruption and depravity—where many a spotless spirit has imbibed the contagion of that moral disease, for which humanity has discovered no cure—where many a holy and immortal soul has suffered the agonies of that second death, from which there can be no redemption till that awful consummation foretold by the apocalyptic prophet, when the sea and the earth shall give up their dead—when the voice of the Archangel and the trump of God shall summon Death and Hell to give up the dead that are in them.

The Defendant then proceeded to call his witnesses.

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Rev. ALEXANDER JONES, jun.—Became acquainted with John N. Maffit some time in May or June last. Thinks it was in May. He was very intimate with him at his father's house. Maffit at one time was to preach at North Providence. Witness rode with him to the place of appointment. On their way Maffit showed Mr. Jones the skeleton of a sermon, written loosely on a half sheet of letter paper, which he (Maffit) declared was the whole of the sermon. Mr. Jones heard the sermon at North Providence, and was pleased with it. Afterwards he examined a sermon contained in a volume of Robert Walker's sermons, a colleague of Dr. Blair. He discovered that the sermon in Walker's was the same he had heard Maffit preach at North Providence. He thought it was verbatim, interlarded with some of Maffit's common expressions, which made the sermon longer than Walker's. Many expressions he recognised to be the same, particularly, "The loud rhetoric of God's mercy." The whole introduction to Walker's sermon was the same used by Maffit. Jones accused Maffit of having used Walker's sermon. He said he had used the thought ONLY of Walker. He afterwards met Maffit at Rev. Mr. Wilson's, and accused him of having preached a sermon of Walker verbatim. He confessed he had committed a part of it, about two pages, and had delivered the sermon bunglingly, because he had committed it imperfectly. Maffit allowed he had used the thought of one other sermon of Walker. He mentioned texts of two sermons in Walker, parts of which he had used. When I looked in Walker, one of the texts was not there.

I asked Maffit if he had ever been a tailor. He replied he had never been a tailor more than he had been a play actor, and that he had never been a play actor in any way. Some time afterwards he asked me if I had heard of a letter to Mr. Rivers, stating he had been a tailor, and had worked at the trade in New York. He asked me what I understood him to mean when he told me he had not been a tailor. I replied, that he had denied to me, my sisters, and a hundred others, that he had ever been a tailor. He allowed that he had so denied it, and that it was a full denial. He asked me if a man could be a tailor, if he were not a journeyman. I replied, I did not understand him. I understood him then to state, he endeavoured to learn the trade of a tailor when he was in New York. He admitted it. I then told him it was a prevarication, and would not be received by the people.

On Maffit's second visit to Providence, at my father's house, in conversation with me, he said the people did not know him. I replied, I thought I knew him, and had studied his character. He said there was something that I did not know. He then stated, he HAD NO BELIEF IN CHRISTIANITY. I think his precise words were, I HAVE NO BELIEF IN CHRISTIANITY. I observed to him, I had suspected it was so, but that he ought to believe it if he preached it. He requested me to give him a list of books on the evidences of Christianity. I gave him a list of the best books on this subject, Paley's Evidences, Chalmers, &c. He said he did not read the scriptures. At the same time he spoke of two or three young ladies, of Mr. Edes's congregation, who had come to him to converse on the doctrine of the Trinity. He observed he knew nothing about the doctrine, and did not know what to say to them, but that he had patched up or hatched up some reasons which he believed satisfied them. He said he could not study; when he did his head became muddy.

Mr. Maffit's practice at his meetings was to call persons to his altar to be prayed for. In this conversation, he said he was induced to laugh in his sleeve when such sober men as Joseph S. Martin felt any thing from what he said. I observed to him that I did not think three quarters of his converts were genuine. He assented. In relation to these converts, I mentioned some ridiculous circumstances, that had occurred when they came to the altar, and we laughed together. I mentioned an instance of Mr. Wood and Mr. Dunn kneeling in prayer, at one of his (Maffit's) farewell meetings. I observed I thought it a solemn scene. He replied, HE FELT A CONTEMPT FOR THESE PERSONS IN HIS HEART. I believe he considered them as his converts. I was intimate with Maffit. He told me every thing freely. I rode with Maffit one evening to Mr. Crocker's. It was before he had made me the above confessions. (Note, the County Attorney asked if it was before these PRECIOUS CONFESSIONS.) I left him there, and returned home. The next day I saw him in his chamber at Wood's. He observed that he had something to tell me. He said that Mrs. ——— had talked against our family, and that he had warned my sisters against going to visit her; she would draw out their family secrets and then expose them.

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He said he had promised Mrs. ——, ON THE HONOR OF AN IRISHMAN, he would not mention the conversation in relation to our family. He then said Mrs. —— took him out of the room, and that she made him blush. He said if he WISHED DEVILMENT with any woman, he might have it with Mrs. ——. I mentioned to my father's family, some one had told me, in whom they had had confidence, that Mrs. —— had talked against the family, but did not say who it was had told me. The family, previous to this communication from Maffit to them, were friendly with Mrs. ——; afterwards there was a coolness, and they became unfriendly. Mrs. —— was not invited to my sister's wedding, on account of what Maffit had told the family she had said of them. Soon after this, I discovered Maffit had played a double part, and I went to Mr. Crocker about it, for advice respecting what I ought to do. He said he thought the Rev. Mr. Wilson's family were low and vulgar, and that their attentions were disgusting and officious. The Methodists, he said, were a mean people, and he and his wife on that account visited but a very few families of them in Boston. He spoke of a committee in Boston, who furnished his house, and said he thought they were mean, because they refused to furnish him with liquors. That Mrs. Maffit had given them a dressing down for it. He said he knew my father's sister, Mrs. King, was a fool, from the first time he saw her. I believe she had given him some advice he thought officious. He would frequently, when I was present, say, God bless sister or brother ——, and then ridicule them on their leaving the room. There was a serious disagreement between Mr. Wood and Mr. Chase, my two brothers-in-law, on account of Maffit.

He was at one time very sick, and apparently out of his head. On my proposing in a whisper to send for a physician, he directly understood it, and declined having a physician sent for. He then relapsed into insanity. His attentions to my sisters were very particular, and I thought improper for a married man. He was in the habit of calling one of them little Jane; I was alarmed, because I knew she was artless, and had the most implicit confidence in his honor. One night two of my sisters watched with him. I sat up most of the night, lest Maffit might insult them. I had the utmost confidence in my sisters, but was suspicious of Maffit. In the course of the night I observed one of them went out to get something, I think some warm brandy.—He told me in conversation, he had not slept with his wife for eleven months. He said that when he was in Connecticut, a young lady of a respectable family came to bed with him, and that he refused to have any thing to do with her. I told him I doubted it. I told Maffit I thought he was carrying on a system to gain applause. He said that he could not preach without applause.

CROSS EXAMINED.—I became acquainted with Maffit when he first visited Providence. Was intimate with him, and in habits of friendly intercourse. Maffit resided for some time in my father's family. My opinion of Maffit became gradually changed, as I learnt more of his character. I have no personal animosity to Maffit. In my conversation with him at Rev. Mr. Wilson's, I shook hands with him, and observed that I had no enmity to him as a man, but that I did not consider him a Christian, and maintained all I had said against him. I do not recollect what time the sermon at North Providence was preached. The sermon Maffit preached, was about an hour and fifteen minutes. I should think it would take three quarters of an hour to read Walker's sermon. My idea was at first he (Maffit) had used Walker's sermon verbatim. I read the sermon in Walker about six weeks after hearing the one preached at North Providence. Maffit said he had used a skeleton of Walker's sermon in Hartford. It was Christianity in general that he denied—positively.—He expressed no concern at the time. I cannot say what induced him to say this. I thought it was to show he was above the vulgar prejudice of belief in Christianity. In relation to what he said to the young ladies about the Trinity, I understood him to mean he was prepared with no arguments on the subject. He often declined preaching where he had engaged to, and kept the people waiting for some time. On one occasion, when the time arrived that he had engaged to preach, he went to bed—I told him the people would be expecting him, and that he ought to go. He said he must take a nap first. He did not appear to be sick. I did not tell to my father what Maffit had told me Mrs. —— had said of our family, until some time afterwards. The suspicions of his attentions to my sisters were confined to me and my brother. I thought from his general conduct he might offer some insult to my sisters, which occasioned my sitting up the

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night my sisters watched with him. One of my sisters complained to me that Maffit had requested her to look in his face and sing a song from Moore, "Come rest in this bosom," &c. The statement Maffit made to me respecting his disbelief in Christianity, and also what Mrs. —— had said to him respecting our family, were confidential communications. I did not mention either of these facts until when several of my father's family were present; being urged to enter into a conversation with Maffit on the subject of my change of opinion respecting him, I said that I knew things of Maffit which would change their opinion of him. Upon this, Maffit replied, with a sort of bravado, that I had nothing against him. I then made known the abovementioned circumstances.

William M'Elroy, examined.—I knew Maffit in Dublin. He had a tailor's shop of his own, independent of his mother. I worked for him as a journeyman tailor. He paid me for my services. There was no other person to direct the concerns of the shop, or to do the cutting out. He was a master tailor. I have been six years in this country. I worked for Maffit about eight years ago.

The Counsel for the defendant now stated, that they had, on the suggestion of the Attorney for the government, caused the depositions from Connecticut and Rhode Island to be filed with the clerk. That they had had the satisfaction of observing Col. Austin engaged in reading them, one of them having been given by a reverend and respectable friend of his; and they now renewed the request with confidence, that the defendant might be suffered to avail himself of the important truths which they contained. Col. Austin seemed less inclined, if possible, than ever, to admit them.

The County Attorney then called the witnesses for the prosecution.

Alexander Jones, sen —Witness observed, that with permission of the Court, he wished to make a few remarks. He had been summoned on one side, and had given his deposition on the other, and this was the reason of his being present. He came to support his son, and vindicate the character of his daughters.

The Counsel for the defendant here observed, that it was not the intention of the publication, in the slightest degree, to implicate the young ladies, and that they believed them in the whole transaction, to have been entirely above suspicion, or reproach.

Mr. Maffit was sick at my house. He appeared to be very sick indeed. His extremities were cold. He fainted away five times in fifteen minutes. He was recovered from his fainting fits, only by throwing cold water with violence in his face. He preached very often to large congregations—I should think as often as five times a week. I never discovered any thing in his conduct that was in the least improper or indelicate. Maffit told me that he had preached parts of two sermons of Walker; and that in the sermon at North Providence, he had used the sentiments of Walker. There had been a previous coolness between my family and Mrs. ——, and Maffit's statement respecting what she had said of my family increased the difficulties. Maffit told me several things that she had said against my family. Witness further stated, that he did not know how long it would take to read the sermon of Walker, which it was said Maffit had preached, nor exactly what is an octavo volume. On being shown an octavo, however, witness said Walker's sermons were of that size.

Cross Examined.—Maffit told him that he had used the *mind* of Walker's sermon, and some of the language. I told him that I understood he had been a play actor and a tailor. He said he was neither, but that there was a mystery in his history, which he would explain at some other time. Maffit said that he first told the conversation which he had with Mrs. —— respecting my family to two of my family in confidence, in order to put them upon their guard against her. He afterwards told it to me, and it became known to the whole family. Maffit told me that Mrs. —— was a mischief making woman. He said that he did not recollect having said that Mr. Wilson's family were a vulgar family, but

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that if he did say so, he meant nothing by it, but that they were not so polished as some families. I accused him of having said that I was a HUMBUG. He said, that if he did say so, he meant nothing by it except that I was a little strange, which was the meaning of the word in Ireland. Maffit's conduct was very light and trifling. Once at the tea table, at my house, when Maffit was present, there was a great deal of laughter and merriment, in which he joined with the young people. I checked them, and said, that if any person were to come in, he would not suppose any of them were Christians. Maffit was very intimate and familiar in his manners in my family, and was in the habit of calling myself and Mrs. Jones papa and mama, and my daughters sisters. I should not have thought it improper, under these circumstances, if he had kissed my daughters' hands. He told me, that he had danced and played cards when at the Isle of May, dined at the Governor's house, there, and was very gay, and considered himself at that time as a backslider. He also said, that he did not offer himself to preach in this country until he had been some time here. On one occasion at my house, when a clergyman was praying, Maffit went out and got a glass of wine, as he told me, because he did not feel well. Maffit had physicians at my house. The physicians in Providence would probably attend on patients who are not sick, if they were paid.

JOSHUA B. WOOD, called.—Knew Maffit, he was domesticated at his house, and also at his father's. He admitted him (Maffit) to all the familiarity of a brother. Never saw him do any thing unlike a Christian, in his own, or at his father's house. Never heard any complaints from the family about his conduct. On Maffit's second visit to Providence, Mr. Jones, Jr., treated him with neglect. Believed he had not then heard Mr. Jones, Jr., say he (Maffit) had denied Christianity. Never heard it until to-day. Mr. Jones, Jr., never told him what Maffit had confessed to him (Jones.) Maffit officiated about five times a week, in Providence. His labors were very great, and witness told Maffit his exertions would kill him. He was really sick at witness's house. Witness thought at one time he would die; physicians attended him. He fainted fifteen times in one night—only brought too by throwing cold water violently in his face.

CROSS EXAMINED.—Witness was most generally engaged in his business from home. Did not often see Maffit during the day except at meals, rarely met him at breakfast. Saw him but seldom at his father Jones's house. Mr. Jones, Jr., never told him what he knew about Maffit. Witness never would hear a word against Maffit. Maffit satisfied witness he (Maffit) had never been a tailor. When he fainted, the young ladies bathed his temples. Witness did not contribute to pay for an article in the Providence Journal in favor of Maffit. Never saw it till he saw it in the paper. It was not published by his authority or approbation, but he approved of it when he saw it. Had some difficulty with two brothers-in-law, partly occasioned by Maffit and partly by other circumstances. In his disagreement with his brother at his own house, Maffit was present, but did not do or say any thing.

Mrs. MERRITT.—Mr. A. Jones, Jr., called at her house one day; he left a message for her husband as he (Mr. Jones) was going away. He said he knew nothing against Maffit except from report. Witness lives in Providence, and is a Methodist. Her husband is the Methodist minister in Providence.

CROSS EXAMINED.—Thinks it was some time in October Mr. Jones called, but does not know. Mrs. Turpin was present, and had a great deal to say to Mr. Jones. Mrs. Turpin did not recollect Mr. Jones's message to witness. Witness was busy in household affairs in the room, as Mr. Jones was talking with Mrs. Turpin. Cannot say as to what the message from Mr. Jones related, whether to the singing of the song, or the whole of Maffit's conduct.

J. N. MAFFIT.—I have always stated, that I took only the skeletons of Walker's sermons. I showed Mr. Jones a paper that contained about two pages from Walker's sermons. I never read one of Walker's sermons through in all my life. I never committed a sermon to memory since I was born. I told Mr. Jones that I was as much a journeyman tailor as a play actor, and no more. I had been accused throughout Connecticut and elsewhere of being reared a journeyman tailor; this is false, plain up and down false. My father was a merchant tailor in Dublin, doing business on a large scale. On his death I conducted the business, kept the books, &c. in my mother's name, but was never

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initiated into the trade.* If I may be allowed the expression, I have been TORTURED on this subject. I determined when I went to Providence to say nothing on this subject, as it would take up all my time to explain. I have always publicly avowed I worked at the trade, and do not consider it any disgrace. When I came to this country, to tell the plain truth, I had no money. I was naturally ingenious, and rather than be dependent, went into the shop of Scholfield, Phelps, & Holmes, at New York; and continued there some months. I sat upon the bench, and tried to learn the trade, but found that I could not get my living by it, and left it. Mr. Alexander Jones, Jr., was my particular friend. I recommended him to take orders I told him in confidence that I had doubts of the Christian religion, and that he did not know me. I meant that I had doubts of several of its doctrines, such as the Trinity, and the perfection of man. I had doubts of the experimental effect of religion upon the heart. Mr. Jones urged me to this conversation, and drew it from me I never meant I disbelieved the Christian religion; I never disbelieved it. I told him that I wished to read books on the evidences of Christianity, not being furnished with the arguments of human learning on that subject. I have thought much about the Trinity, but was not furnished with any argument on that subject. I told Mr. Jones I had simply stated some reasons on the Trinity to the young ladies who inquired of me, but that I was not satisfied. I told Mr. Jones that I could not help doubting when I saw such a man as Joseph S. Martin affected to tears with what so young and unlearned a man as myself had said. I positively never said that I felt contempt in my heart for any persons who came to my altar, since God made me. I was converted before I left Ireland, and in my simple way tried to preach.

CROSS EXAMINED BY DEFENDANT'S COUNSEL.

Q. Were you converted in Ireland?
A. Yes.
Q. At what time were you converted?
A. I do not recollect.
Q. Did you enter a church in Ireland, prostrate yourself, and dedicate yourself to the service of God?
A. Yes, I did.
Q. What induced you to leave Ireland, and come to this country?
A. My pecuniary embarrassments.
Q. Did your wife come with you?
A. No, she followed me.
Q. Did you leave orders for her to follow you?
A. No, I sent for her after I arrived in this country.
Q. How long after your arrival did she reach this country?
A. About seven months.
Q. Did you stop at the Isle of May, on your passage to this country?
A. Yes.
Q. Did you engage there in dancing, playing cards, and other scenes of dissipation?
A. I did; that is, my brother, who was with me, was very gay, and I joined him. One evening I was asked to play cards, and played about ten minutes. I did not know the game. I have visited in gay circles in Ireland, and 'tis customary to play cards there. Several of the gentlem n commenced a dance, and we had a European kind of a frolic. They requested me to join it; I did, and went down part of a dance.
Q. What part of Walker's sermons did you ever commit to memory?
A. About two pages.
Q. Do you write down always the heads or skeleton of your sermons?
A. Yes, on a little piece of paper, half a sheet.
Q. Was this book (Tears of Contrition) published by your authority, and written by you?
A. Yes.

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* Witness here went into a history of himself. Defendant's Counsel objected, that the general character of the party said to be libelled, could not come into the issue, and cited to this point; 1. Term Rep. 754, *J. Anson* vs. *Stuart;* and, 2. Phil. Evidence, 117. The Court, however, partially overruled the objection, and the Attorney proceeded in his examination.

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Q. Was the poetry, headed Original, written by you?
A. Yes.
Q. Where were you when you wrote a hymn in this book, printed as original poetry, and commencing, "Great High Priest, we view thee standing?"—
A. Oh, Sir, I shall tell you all about that. It was put in by the printer, without my authority; I wrote him a letter and requested him not to do it, before the book was published.
Q. How came you to suppose that he would print an old and well known hymn under your head of Original Poetry?
A. He wrote me he should do it, as I had been in the habit of singing it, and that as it was put among my poetic effusions, it was best to let it go as original.
Q. Did you write to him, and desire him not to do so?
A I did.
Q. Yet he persisted in printing it?
A. He did.
Q. Is there any other poetry here that is not yours?
A. Yes, one other hymn.
Q. How long was it after you arrived in this country before you offered yourself as a preacher?
A. Some months.
Q. How soon after you left Scholfield's shop did you commence preaching?
A. About three weeks.
Q. In this book you observe, that the morning after you arrival you presented yourself to Mr. Crowell as a candidate to preach. (See his Life, p. 234.) Is that true?
A. Yes, I did, but I had no credentials, and Mr. Crowell declined admitting me.
Q. Did his refusal distress you at the time?
A. Yes, very much, but I did not blame him, as I had no credentials.
Q. Did you preach a sermon from Walker, in Connecticut?
A. Yes, Sir, I used the thought and general idea of a sermon from Walker.
Q. Did you, before preaching, request the indulgence of the audience on account of your being unprepared?
A. Yes, Sir. The sermon I used from Walker was not a charity sermon, and as I had to preach on a charity occasion, I said I was unprepared. After getting through with the sermon from Walker, I attempted to apply it to this charitable occasion.
Q Did you receive wages while in Scholfield's shop?
A. Yes, I did, and did not think it dishonorable.
Q. In your book you speak of MY establishment, MY debts, &c., and that when you failed you drew on your mother for a balance to pay your creditor. How could this be, if you were in partnership with your mother?
A. Oh, Sir, my mother had property of her own, independent of the firm.
Q. If your mother was in partnership with you, was she not responsible for the debts of the firm, and how could you draw on her?
A. Oh, I drew on her for my wife's portion.
Q. Did you have an establishment of your own, independent of your mother?
A. Yes, after this, about six years ago, I had an establishment of my own, but not eight years ago, as Mr. M'Elroy testified. What he has said is utterly false.
Q. Did Mr. M'Elroy work with you in Ireland?
A. Not that I know of, I never saw him before.
Q. How many workmen did you have in your shop?
A. Sometimes fifty.
Q. Might not M'Elroy have been among them without your recollecting it?
A. Yes, Sir, he might.
Q. What is the meaning of the word humbug in Ireland?
A. It means a singular person, or——a sort of a QUIZ.
Q. Did you tell Mr. Jones, senior, that it had this last meaning, when he accused you of having applied it to him?
A. I did not.
Witness further stated, that he was very fond of the song which had been mentioned, from Moore, and frequently requested it might be sung for him; but

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that he only liked the air, and did not know the words. He understood that afterwards new words had been put to this air. He never read Moore's song. So help him heaven, he had never asked the young lady to look in his face and sing that song!

Hon. Wheeler Martin.—Soon after Mr. Maffit came to Providence, witness heard he had been a tailor, a play actor, a blacksmith, and one thing and another, a great many things said about him. Witness went to him, when an entire stranger, and asked him (Maffit) if he was a tailor or a play actor. Maffit replied, he had been questioned in that way, and declined answering. Witness's object was to find out if Maffit had never been a tailor or play actor, and if so, publish it in one of the newspapers, for the good of the public.—Supposed Mr. Maffit thought his question rather blunt for an entire stranger.

Rev. Elijah Heading.—Has seen Walker's sermons some time ago. Clergymen frequently write out skeletons of other people's sermons and preach them. There are books containing skeletons of sermons, particularly Simeon's skeletons of sermons.

Cross Examined.—Did not know but it might be improper to take the ideas and thoughts of a printed sermon and preach it as one's own, but ministers frequently did so. On being pressed, however, witness admitted it was hardly proper, and that he should not do so himself.

William Motley testified, that he was a member of Mount Lebanon Lodge; Mr. Maffit having been proposed for initiation in that Lodge, he, with another person, called on W. M'Elroy, to get information of Maffit's character. M'Elroy told him he had worked for Maffit's father; that he (J. N. Maffit) was in his father's shop; had the direction of it, kept the books, and paid the workmen. He offered himself as a witness, in consequence of hearing M'Elroy state the facts so differently in his testimony in the morning. Being cross examined, said it was Mr. Utley who went with him to see M'Elroy. He said he belonged to the Methodists.

Mr. Jones, jun. called again.—I cannot tell how it happened that Mrs. Merritt misunderstood me. I called on Mr. Merritt, having understood he had said I had betrayed Maffit's confidence, to assure him it was not the case, as it was not at that time Mr. Merritt not being at home, as I was going out I left the message with Mrs. Merritt, that I had told nothing of Maffit he had said to me in confidence. Mrs. Merritt must have misunderstood me. It was impossible I should have said I knew nothing against Maffit, except from report, as I had previously mentioned to others many things I knew against him, but had not mentioned the two circumstances he told me in confidence.

Mr. Maffit called again.—Stated he had no credentials when he came to this country. That he had commenced preaching as a probationer at first, and had gone on in the usual way. Was licensed to preach three years ago last winter.

The defence was then closed by Mr. Hooper—in substance as follows:

MAY IT PLEASE YOUR HONOUR,

AND GENTLEMEN OF THE JURY,

It is under the oppression of severe indisposition, that I rise to address you, in the discharge of a painful and important duty; a duty, however, from the fearless performance of which, no member of the profession, to which I have the honour to belong, is permitted to shrink, any more than you, gentlemen, are, from taking your seats in that box, or the honourable judge from presiding at the trial. I have said, a painful and important duty. The cause *is* important, as anything can be, to the defendant, on this side of the grave; and it is not less so to the person, whose character has thus been subjected, by the zeal and infatuation of injudicious friends, to the ordeal of legal scrutiny. It is painful, also, most painful, to be obliged to urge charges of folly or crime against one, who, however unworthily, as-

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sumes the character of a disciple and preacher of that holy religion, which we all profess to believe and reverence, as our guide of life, and only and precious support in death. We are required to pursue our investigations cautiously as well as steadily; and, in striving to prevent religion from being injured in the house of its pretended friends, to take care, as has been well said, lest, in aiming the darts of censure and ridicule at the crimes and absurdities of hypocritical professors, and the shadows and visions of enthusiasm, we wound the venerable form, which always lies beyond them.

Prejudice or partiality may also be expected, in a trial between such parties, to mingle, with their baneful influences; and, in a cause like this, it will be your first duty, as I know it will be your desire, to guard against them. Upon one thing, however, I may congratulate both you and the public; that this trial, if it settles nothing else, will go far to settle the admissibility of the truth in evidence in cases of libel. The TRUTH, gentlemen, which those only are afraid of, who, for the reason given of old, *choose darkness rather than light.*

The defendant is indicted for having published a *false, scandalous, malicious*, and *defamotory libel*, on John N. Maffit. A libel may be defined, in the words of a distinguished jurist,* "A censorious or ridiculing writing, picture, or sign, made with a mischievous and malicious intent towards government, magistracy or individuals." Our defence is, First, that the publication is *true.* The counsel for the government have consented, and the Court have decided, that the defendant shall give the truth in evidence. THIS IS NO NEW DOCTRINE, although it has not, hitherto, in this state, been practised. It is as old as the rules of the Common Law, drawn from the highest and purest sources, and as they existed when our ancestors came to this country. Although the present decision of the Court renders a very elaborate disquisition on the point unnecessary, it is fit, that on a question of this importance, it should be known, that the defendant rests his rights, not on any thing peculiar to this cause, not on consent or favour, but on those settled principles, which cannot be shaken or overthrown, and which, if they are any where to be firmly asserted and vindicated, should be so in this land.

"The ancient English statutes have been always considered as the highest evidence of the Common Law; and the ancient English statutes and records make the *falsity* of the charges a material ingredient in the libel."†

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* Hamilton.

† The statute of Westminster, 1st Edward I cap. 34, enacts, that none, thereafter, be so hardy as to publish any *false* news or tales. The same is found in the statutes of 2d Richard II. c. 5; 12 Richard II. c. 11; and 2 Philip and Mary, c. 3, which enacts, that if any person be convicted of speaking maliciously of his *own imagination*, any *false*, seditious, or slanderous news of the king or queen, he shall be, &c. Numerous instances are found of prosecutions at Common Law, under these statutes, *Dyer*, 155. *Coke*, in his Commentaries on the Statutes of Westminster, 1st, 2d *Institute*, 226, describes the offence by the epithets *false* and *feigned*, and he further says, that no punishment was provided by this statute, but it was left to be punished by the Common Law. In his 3d *Institute*, 374, he gives the form of the record of conviction of *John de Northampton*, which record states, that the libel was false; *quæ litera continet, nullum veritatem.* See Johnsohn's Cases, Vol. III, p. 384, *People* vs. *Croswell.*

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The doctrine that the truth could not be given in evidence, in cases of libel, has no better authority than the Star Chamber, a court, which, by its tyrannous and illegal proceedings, has been handed down to the indignation of posterity. It was not from such a court, or the men that sat in it, that the Common Law could be altered, or that we have derived its principles.* To the Star Chamber succeeded the *imprimaturs* of government, and the licensing control of the press, introduced by that wretched family, who seemed to be elevated to a throne and a sceptre, merely to show how unfit they were to wear the one, or to wield the other.† Except the Star Chamber decisions, then, and the *nisi prius* opinion of Lord Raymond, there seems to be the whole weight of the English authorities for the doctrine for which we contend. "It may be added, that all indictments formerly contained the word *false*, as well as *malicious*," and that, too, in times when the doctrine of right pleading had not grown into such disrepute, but that it was necessary to prove what it was necessary to allege. The present indictment does so. The doctrine is supported by the dictates of common sense, by the writers on Common Law, the Civil Law, and those laws of morals, which are the same every where, at Rome and at Athens, in the New World, and the Old.‡ Were

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* The first case is that of *Brererton*, 2 James I., in which the truth was rejected, but Lord Coke afterwards, even in that court, in the case of *Lake* vs. *Hutton*, Hob. 252, insisted, that if the libel were true, the defendant might justify it.—See Johnson, *People* vs. *Croswell*.

† "The licensing act of Charles II. provides that no book on politics should be printed without the authority of the secretary of state; none on Common Law, without the license of the chancellor; no novels, romances, fairy tales, nor any work on sciences, physic, divinity, or LOVE, without the license of the Archbishop of Canterbury! supposing him, no doubt, the most conversant on all these subject, particularly the last." See *Senator*, vol. 3. In the case of the seven Bishops, 4 State Trials, "the counsel for the defendants, under the permission of the court, went at large into arguments and proofs, to show that the allegation in the petition was *true*, and Mr. Justice Powell told the jury, that to make it a libel, it must be a *false*, it must be *malicious*, and it must tend to *sedition*. The jury were of his opinion, and acquitted the defendants." In the next case, that of Fuller, 5 State Trials, who was tried for a libel on government, before Holt, perhaps the greatest lawyer that ever sat in Westminster Hall, he said, "*Can you make it appear that these books are true? if you can offer any matter to prove what you have written, let us hear it.*" In Franklin's case, 9 State Trials, 269, at *nisi prius*, it was, indeed, decided the other way, but the counsel for the defendants urged the attorney general in vain to show any case, except the Star Chamber, where the defendant was not allowed to show that his publication is true. *He could not show any.* In the succeeding cases of Horne and Tooke, Lord Mansfield put the question upon the truth of the charges in the indictments. In 1792 Lord Camden declared, "that it ought to be left to a jury to decide, *whether what was called calumny was well or ill founded.*"—See Johnson, *People* vs. *Croswell*,

‡ The writers on the civil law declare, that the truth shall excuse the libeller, if what he relates, interests the public to know. *Veritas convitii axeuset injuriantem, si id quid objicitur, tale est ut publice intersit illud sciri.*—Vinn. lib. 4, s. 5. The poet, also, of the Augustan age, says,

Si quis
Opprobriis dignum latraverit, integer ipse?
Solventur risu tabulæ, tu missus abibis.—HOR.

See Johnson, *People* vs. *Croswell*.

There is, indeed, a case in the State Court of Massachusetts, 4 Mass. Rep. *Commonwealth* vs. *Clap*, where the right to give the truth in evidence seems to be

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it not so, however, the *evidence of truth is a necessary ingredient in determining the intent*, and that the juries have a right in all cases to bring in a general verdict on the law and the fact, on the plea of not guilty, it is now too late to contend. All the English authorities admit that they have the power, and if they have the power, they have the right.*

But however the English law may stand, I should still contend that in a country whose independence was won by the freedom of speech and of the press, and whose constitution has declared that "Congress shall make no law abridging that freedom;" in a state, whose bill of rights declares, "that every subject shall have a right to produce *all proofs* that may be favorable to him," and that "the liberty of the press is ESSENTIAL to the security of freedom in a state, and ought not, therefore, *to be restrained*,"—there could be no doubt on the subject. On this point I cannot cite a more convincing authority than that of *The People* vs. *Croswell*, reported in Johnson's Cases;† and when I say that it was argued by Hamilton, and decided by Kent, I know not that it is in the power of any language that I can use, to express more strongly my sense of its value;—by Hamilton, who stood forth in the zeal and ardour of his exalted spirit, and in the matchless energy of his noble intellect, not merely as an advocate, but as a citizen, to vindicate the liberty of the press,—and by Kent, whose profound erudition, and splendid talents, adorned with all the graces of literature, have justly distinguished him as the Mansfield of

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restricted to cases of public *elective* officers, on what principle it is not easy to see. If the report be correct, the question was not fully considered. Even there, however, Judge Parsons appears to agree with the Civil Law, that the truth may be published on subjects *respecting which the public are interested*."

* "It has been the practice of the English juries to exercise this right, in cases where the court have dened it. In the cases of *Shebbeare*, *Woodfall*, and others, 5 Burr. 2661; 3 Term Rep. 430; *the Dean of St Asaph*, 3 Term Rep., the eminent counsel who appeared in these several cases, claimed and exercised the right of addressing the jury on the whole matter of the libel."—See Johnson, *People* vs. *Croswell*.

Finally, in 1792, parliament declared it to be the law. The doctrine was then supported by an array of talents, such as has rarely been seen at any one time, on the same side of a legal question. It was fit that such men should support such a cause; and the names of Fox, and Pitt, and Erskine, of Camden, and Grenville, and Loughborough, appear properly associated with the doctrine that the truth is not a libel, and that juries have a right to judge of the law and the fact.

Lord Camden declared, "that if the *twelve judges*, nay, if *twenty four judges* declared that the juries had not a right to decide upon the criminality, upon the law, and upon any fact stated in the record, THEY WERE WRONG; they acted against the statutes; they acted against the known and positive law of the land; and the strongest and most convincing proof of this was, that the verdict of the jury was final against all the judge could say, and when they are pleased to acquit any defendant, their acquittal will stand good, until the law of England is changed. If you mean to change the law, bring in a bill declaring that the subjects of this realm shall not in future be tried by JURIES, but be tried by JUDGES." *Vide Senator*. He also declared, "that the supporters of this doctrine had every sort of authority with them." *Vide Senator*, vol. 3.

† 3 Johnson's Cases, 399. To this most learned and able investigation, we are indebted for most of the authorities and remarks in the preceding pages, of which, indeed, they are but an imperfect abridgment. To the same admirable authority we would refer, for comments on the sedition law, the language of the first congress, our constitutions, &c. &c.

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America. His opinion that to "*publish the truth in all cases, with good intention and for justifiable ends*" is the right of every citizen will not soon be shaken.

But even with this privilege, the system of bringing indictments for libels is itself a pernicious one. It often makes the arm of the commonwealth an instrument to aid the purposes of personal animosity. A civil action is always open to the injured for redress, and it cannot be necessary to resort to indictments. The reason sometimes given, that a libel tends to a breach of the peace, is a mere fiction of law, and a very absurd one. It no more tends to a breach of the peace, than any other civil injury. Even if it had that tendency, it would be a notable way of allaying irritation, and *keeping the peace*, to bring an offender into court, there to stop his mouth, and punish him unheard. The sort of quiet thus produced, would augur no safety to the state. It is attended, also, with the great, and in the case of libels, unnecessary evil, of making the party most deeply interested, a witness in his own cause, and to those who have seen its effects, in this regard, this day, I need not comment on the absurdity of dragging a reluctant *party* on the stand, when it can be avoided, and there leaving him to defeat his own cause. If a libel also tends to a breach of the peace, why admit the truth in the case of elective officers, where it has that tendency more than in any other case, if it has it at all. Let, then, according to the admirable maxim of the Roman law, *the truth be told of whatever it concerns the people to know.* Let the press continue, while it refrains from attacks on private vices or follies, to

"*Brand the bold front of shameless, guilty men.*"

Let it examine fearlessly, but in dignified and decent language—public institutions, characters, and transactions; and whether the subject of its scrutiny be the bench or the legislature, the cloister or the conventicle, the monk or the fanatic, it will confer a public benefit. On this subject I will accept of no concession. I assert the right of full, uncontrolled, and animated discussion, and let those who think it will be safe for them, attempt to restrain it.

But it is said, if the truth is in all cases to be given in evidence, private vices and follies may be exposed. The answer is, in the first place, that as in such cases it cannot justify the offence, people will refrain from committing it, when they find it constantly punished by the verdict of a jury,—and in the second place, that such persons should resort like others, instead of procuring an indictment, to a civil remedy, for a civil wrong.

And what more interesting subject to the public can there be, than the character of him, who asks our confidence as a minister of Christ; who comes to us with the "book of the wisdom of God," and the words of eternal life? His is no obscure or neutral station. He stands conspicuously before the people;—and if, instead of honouring, he disgraces the cause of piety, the man who unmasks the impostor, by publishing the truth, deserves the thanks of the community. In considering this publication, as set forth in the indictment, you will observe that the effusions of fancy and figures of speech, which the County Attorney has interspersed through it, under the name of *innuendoes*, are not for your consideration, any farther than you shall

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find them to be just explanations of the defendant's words. You will regard the text, and not his very fanciful commentary upon it. In the case of *Astly* vs. *Yonge*, 2 Burrows, 812, Lord Mansfield said, "as to the innuendoes in the declaration, they are immaterial, since the substantial part itself is justified."

[Mr. Hooper here entered into a minute examination and commentary upon the testimony, of which our limits permit only a brief sketch.]

What, then, are the charges, and how are they defended? The first charge is, the preaching Walker's sermons, denying the fact, and afterwards confessing it. Mr. Jones states, "that he heard Maffit's sermon, and afterwards read it in Walker; charged him with it, when he denied taking any thing but the 'thought,' and afterwards acknowledged having taken the skeleton, and some of the expressions, and delivered the sermon 'bunglingly,' because he had committed it imperfectly." It may be right, or it may be wrong, to have thus availed himself of Walker's discourses; but the question is, Did he deny what was true? and of this you cannot doubt. if you believe the witness, a young man of a most unimpeached and unimpeachable character, a clergyman of the Episcopal church, against whom malice breathes no whispers of reproach, who comes here to testify under the obligations of an oath, in obedience to the requisition of the Court, and whose ingenuous and cautious manner of giving his evidence, is alone sufficient to carry conviction with it. The elder Mr. Jones also testifies to his having taken part from Walker; and Mr. Maffit himself acknowledges it upon the stand; declaring, on his cross examination, that he took nothing from Walker but the divisions of his discourse; that he always *wrote down* those divisions; and yet, that he committed about two pages of Walker to *memory!* leaving you to reconcile the contradiction as you may. Is not *this* falsehood proved, the rejection of our important depositions notwithstanding?

Did he try to "sink the tailor," gentlemen? The elder Mr. Jones tells you so, the younger tells you so, and the Hon. Wheeler Martin tells you so; the amount of whose testimony, indeed, seems to be, that he propounded to Mr. Maffit a question on this subject, which that reverend gentleman was pleased to deem impertinent. That he actually has been employed in this trade, he has been kind enough to tell you himself. He said, indeed, there was a *mystery* about it; but there was no *mystery* as to his own plain declarations. But it is no dishonour to be a tailor, said Mr. Maffit, and no crime to be poor. No, gentlemen, it is no dishonour. We have no more respectable or valuable members of society than our industrious and intelligent mechanics; and poverty is the last thing which a *lawyer* would think of bringing before a jury as a crime. It is the *lie*, and not the *trade*, the want of truth, and not the want of money, which we have charged, and which we have proved.

The coaxing a young lady to look in his face and sing, "Come to my heart, &c." the government counsel say in their indictment, means, "that he was guilty of lewd and indecent behaviour before a female." If this be the true construction of his conduct, be it so—though to us it seems rather a severe one. But be it what it may, we have *proved* it; we have proved the request to sing the song by Mr.

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Jones and Mr. Maffit himself in several instances, and the looking in the face, the learned gentleman was kind enough to prove for us, by drawing from the witness, by dint of cross-examination, the declaration which he heard from his sister.

But he is accused of saying that he disbelieved the Christian religion; and Mr. Jones tell you, "that he said to him he had no belief in Christianity; and when some of his deluded followers came to receive instruction, he did not know what to say to them, but patched up something, and believed he satisfied them!" This full and direct testimony, on this most important point, excited exceedingly the curiosity of my learned friend. In some way it was to be got over, and accordingly he inquired of the witness, if he was not aware that there were many disputes among theologians; to which, of course, he replied in the affirmative. Had not then this denial of belief some reference to the subtilties of the school-men? Cannot you recollect that it related to the *Arian* controversy? Did it not refer to the *Athanasian creed?* Was it not *merely* some hesitation respecting the five points? Was it not *merely* some misunderstanding respecting the *perfection* of man? To all these ingenious inquiries the answer was, No. It was *merely* his denial of HIS BELIEF IN CHRISTIANITY; *merely* his own positive denial of his belief in it, plain, implicit, and direct; very insufficient evidence, I grant you, gentlemen, of the fact of his infidelity, but tolerably good proof of his having made the declaration.

And is it so, gentlemen? Shall a professed minister of the Saviour deny his belief in his doctrines, at the very time that he is standing daily in his temple, reading his words, administering the Eucharist, and partaking and imparting the consecrated elements, and do you ask me to go any farther? Will you call my client *guilty* for having held *him* up to public scorn? In what new language, with what unknown force of words must that charge of imposture be framed, which should be considered *false*, *malicious*, and *defamatory*, respecting such a man? That he laughed at the worthy Joseph S. Martin's piety, that he expressed the contempt which he felt for Messrs. Wood and Dunn, after kneeling with them in solemn prayer, and honoured his patron, Mr. Jones, with the title of a humbug, at the very time that he was living on his bounty, and betrayed the confidence of Mrs. ———, might all as naturally have been expected as they are clearly proved, from him who could practise such an impious and monstrous imposition on his deluded followers.—Are not these things TRUE?

He is accused of having procured two young ladies to watch with him during his pretended sickness, and sending one out of the room, that he might be left alone with the other. This is a subject of peculiar delicacy, and difficult in its own nature to be completely proved. The fact of the watching is however proved by the testimony of the elder and younger Mr. Jones; and by the latter, the fact of the occasional absence of one of them from the room. You will recollect the rejection of the depositions—the apprehensions of the younger Mr. Jones from his general manners, and the fact of Mr. Jones having watched to prevent any insult, and you will not deem this charge unsupported, nor even if it was so, convict my client, when all the rest are so fully established. In Holt on Libel, 279, it is said, "defendant may show

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ground of suspicion, not amounting to actual proof." Before I leave this topic, permit me to say, that not a shadow of an injurious imputation rests on the respected character of these females, and that it must be either ignorance or delusion to consider them as implicated in the charge directed against him. But he is accused of pretending sickness, and his sudden returns from delirium, and relapses at pleasure, must be considered, together with the amazing celerity with which his fainting fits were conducted, in support of it. He fainted five times in fifteen minutes, says the elder Mr. Jones; five times in fifteen minutes, also, on another occasion, I think Col. Wood testifies, and also fifteen time in an hour; and Col. Wood, gentlemen, to say the least, seems to harbour no violent animosity towards Mr. Maffit. *He* surely seems to be under the influence of no very rankling hatred or malice as respects him, and cannot be deemed other than a reluctant witness to any fact unfavorable to him. We live in the age of inventions, when steam, and gas, and all the elements submitted to the power of man, seem to annihilate at his bidding the old fashioned obstacles of time and space. But I submit to you that by nothing less than some such machinery—by no natural operations of the human system, could any man contrive to faint and recover with such almost incredible despatch.

But one stupendous charge remains; and a joke upon those who followed him, for certain reasons mentioned in the close of the publication, is construed by the learned gentlemen, into an imputation on Mr. Maffit of the most gross lewdness. By "what conjuration or mighty magic" this is discovered, we are unable to divine. If it be so, let the licentious language which he used with regard to a respectable lady in Providence, the singular visit which he received in Connecticut, together with the other facts, testified to by the younger Mr. Jones, satisfy you of its justice.

I have now gone through, gentlemen, as briefly as possible, the disgusting catalogue—proved, as we think completely, but at any rate sufficiently to show you that the publication was made for a justifiable end, and with good and sufficient motives. And how is the proof met. By the testimony of those, who at some other times, and in some other places, did not see or hear the same things, which they could not have done, indeed, unless they had been repeated; reminding one, were it proper to treat such a subject with levity, of the unlucky Irishman, who thought it very hard that he should be convicted of stealing a hoe, on the testimony of *three* witnesses, when he could bring *three and twenty* who, at some other time, and some other place, *did not see him take it!*

I need scarcely speak to you of the attempted contradiction of Mr. Jones by Mrs. Merritt, which you cannot consider as any thing more than a misunderstanding; nor of the *voluntary* testimony of Motley against McElroy, as, if it proved any thing, it would show that Maffit's evidence in this regard was also untrue. It is said, however, that Mr. Jones betrayed the confidence of this man. Did he so, and when? When seeking anxiously to undeceive his deluded family, whom he thought were nourishing a viper in their bosoms, and still struggling to conceal his knowledge of him from them, he was told in a tone of audacity and defiance, before his parents and his sisters,

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that he had nothing against him. Judge you, gentlemen, whether he was not imperatively called upon to make the disclosure; and then, and not till then, did he, in the honest indignation of his heart, *speak that he had known, and testify that he had seen.*

To the charge of having published a *false* libel, there we oppose its truth; a scandalous and *malicious* one, the justifiable end; a *defamatory* one, the imposture which we have exposed; and we ask you, with confidence, to say our charges are *true*, our ends justifiable, and our motives good. The manner was sarcastic, we are told. But, gentlemen, we must assail hypocrisy and vice in the mode best fitted to detect it, and penetrate as we may, those "adamantine scales, which fear no injury from human hands."

GENTLEMEN,

Your decision this day will extend its influence far beyond the occasion, and affect many other parties than those who are now before you.

These are not times, and this is not the land, in which we are to manifest a cold and heartless indifference to the institutions or men who surround us. We are to call things by their right names, and examine without intemperance, but without fear, whatever affects the relations or the well-being of society. The institutions of religion, indeed, are to be approached and spoken of only with reverence. But, in proportion as it is our most precious possession; in proportion as its foundations are laid deep and broad in the principles of our nature; and it is connected with far stronger feelings, and points to higher interests, than any which relates to earth; in that degree are we to guard it from abuses, and expel from its temples those who would shelter their vices under its sacred name. Of all those, indeed, who are interested in the events of this day, none are more so than the respectable sect of Christians, who have been, in the present case, the subjects of imposition. A body of men, who, for a long time in the old world, and, may we not say, in the new, have exhibited the zeal, the piety, and the meekness of the primitive disciples. It is not possible to speak otherwise than with respect of those, who, among their distinguished leaders, have exhibited many men distinguished for piety and learning, and who can boast of the zeal and eloquence of WHITEFIELD, and the sanctity of WESLEY. Let them assemble undisturbed in their temples, and tread unquestioned their path of toil and suffering to the realms of light; but let them not suffer unhallowed hands *to be extended to uphold the ark of the* LORD, nor permit "strange fire" to mingle with the sacrifice kindled on their altar, which they hope will ascend to heaven a pure and acceptable offering.

Gentlemen, the cause is with you. Make such a decision as will protect, and not destroy, the peace, the order, and respectability of society, and declare, that those who ask for the public confidence shall be subject to the public scrutiny. Whatever may be the event of this scene of suffering to my client, there are two subjects of congratulation, of which nothing can deprive him. The one, that the great principle of admitting the truth in evidence has, in this case, been sanctioned; the other, that, however its light may be now ob-

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secured, or disregarded, even if he is to go convicted from your bar, he will carry with him, in this instance, the proud consciousness of having been A PUBLIC BENEFACTOR. But, gentlemen, I will not suffer myself to doubt that you will send him to his home in peace, and vindicate, by your verdict, the PURITY OF MORALS, THE LIBERTY OF THE PRESS, AND THE SANCTITY OF THE TEMPLE.

Mr. AUSTIN commenced by observing, that he felt no ordinary embarrassment in discharging the duty which was thrown on him in the present cause. By the course of the trial, the accused had become the accuser, and the party supposed to be injured, was in truth the one who was placed on his defence. This was a novel and unpleasant situation for the Attorney of the Commonwealth. An individual, claiming redress for past injury, was in fact put on trial on new accusations; and was compelled to trust his cause to a stranger with whom he was wholly unacquainted, and who had no interest or connexion with that large portion of the community who felt a strong solicitude for his fate. It was a duty, however, which he should permit no personal feelings to control; and it was relieved by a confidence, that an intelligent and impartial Jury would compensate for any deficiency on his part by their own diligence and attention.

He was very sure that no prejudice arising from the connexions of the cause, would prevent the fair exercise of official obligation. If the gentleman who had been denounced in the defendant's Newspaper, and who was in fact on trial on the charges in the libel, looked in vain at their pannel for an individual of his own religious sentiments or persuasion, he would not on that account feel any alarm. In the temple of Justice there were no sectarian attachments. Passion, prejudice, and feeling slumbered at her altar, and the Genius of the place spoke like the voice of God to his prophet: "Take your shoes from off your feet, for the ground whereon you stand is holy."

But, with all their caution, the Jury had to encounter another obstacle in the way of the cause, very likely to operate injuriously even on careful minds. The liberty of the press, it was said, was involved in the trial; and to vindicate this liberty, some proceedings had been had, and some opinions promulgated from the bench, which he might venture to call novel, without being guilty of disrespect. For the true and safe liberty of the press, Mr. A. professed to yield in attachment to no one. But the liberty for which he would contend, was as far from its licentiousness, as, in his opinion, the ancient landmarks of the law were safer than the modern doctrines of the day.

Mr. A. had heard it suggested with some surprise, that indictments for libel were never to be countenanced; and that they in fact partook too much of the Gothic austerity of former times to be countenanced in this era of liberty and refinement.

He could not yield to such impressions. Was the paraphernalia of Justice assumed merely for the protection of property? Was the possession of a man's gold all that required the aid of the law? Or, was personal security considered the important object of regard? No. Great as were these high interests, society had done but half its duty when it secured these to its citizens. It was their good name and reputation in which the great body of the people were concerned.

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This was the inalienable and invaluable property which the humblest and the meanest, as well as the highest and the mightiest, had a right to retain. This was, perhaps, the only property which was above the reach of fortune, or accident; and could be deserved by a man's own actions. This was the legacy, which, in the wreck of all other blessings, he could leave to his children as a compensation for their orphanage; and this he had a right to demand, that society would protect and preserve from the inroads of slander, and the malice of detraction. Mr. A. did not contend for any novel strictness inconsistent with rational freedom. Discussion, inquiry, free examination, and able argument, however injurious to private feeling, were within the liberty of the press, and should never by his agency be interrupted. But malicious defamation, wanton scurrility, artful exaggeration, and contemptuous ridicule, were the unquestionable evidence of that licentiousness, which no liberality would sanction; and to pretend that it had any immunity under our institutions, was in itself a libel on our Constitution and Government, which no morality or intelligence would venture to maintain.

But in the present case every thing is conceded to the defendant, which the most strenuous advocate of a free press ever demanded. Right or wrong, with or without law, he is permitted to defend himself, by showing that the matters published were true, and printed by him with good motives for justifiable ends.

The burthen of proof rests upon him. He is, by the very liberal interpretation which has been given of the law, permitted to do this if he can. If he cannot, he must be convicted. The publication of the piece is conceded. Its defamatory nature cannot be denied. It is a libel; and unless he is justified in its publication, he must be pronounced guilty.

Before considering the evidence offered to prove the truth, let it for a moment be considered what was the object and end of the publication.

The Rev. Gentleman, who is attacked, is a preacher of the Christian religion of no ordinary celebrity. He is enabled, by some peculiar power, to attract an immense concourse of people. His ministrations are exceedingly acceptable to that great and growing class of the community of his own religious opinion. There is the appearance of zeal and fervor in his devotions, which has warmed and animated the public mind; and he appears to a great portion of our fellow citizens, an instrument in the hands of Providence, to give new influence to the Redeemer's kingdom, and bring sinners to repentance. He interferes not with other men's concerns; but as far as appears, pursues his own course, to the acceptance and delight of his friends, regardless of the enemies which eminence always creates. Yet, being eminent, he is an object of curiosity. What is said of him becomes interesting to a vast crowd of people. If any thing be written of him, it will be read. If any thing be printed, it will sell.

The Jury are to decide why it was written. Was it to give information? to extend correct opinions? Let its manner, its style, its correctness, its tendency determine. If it was fairly and honestly done, then if it is true, it is not wrong. But was this its object? Was it written to gratify the prurient disposition of depraved minds? Was

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it provided to feed that cormorant appetite for slander which grows by indulgence, and craves more as more is obtained? These are dishonorable ends; and however true may be the facts, such a publication is injurious to the best interest of society, and cannot be defended.

With regard to the truth, Mr. Austin asked the Jury, whether any thing had been, whether any thing could be, urged to justify the intimations in the last clause of the libel.

The imputation conveyed in this paragraph, set all truth, as it did all decency, at defiance. The idea, covered, but not concealed, in this language, could not be uttered before the mixed multitude in this Hall. The legends of ancient nunneries, the stories of profligacy and crime, which are recorded of the most abandoned monastic institutions in Europe, are faint and feeble in their immoralities, compared with the suggestions of this part of the libel. It is no defence, that it libels the hearers as well as the preacher. It presents the whole community as the deluded and detestable worshippers of Belial, with the Reverend Prosecutor as their instructer and guide. It exhibits him attempting, under the pretence of religious duty, and the solemn services of public worship, to debauch and demoralize his deluded admirers; to make the forms of religion the vehicle for crime; and to poison the morals and the mind, as well as possess the persons of an infatuated crowd.

In proportion to the magnitude of the charge should be the evidence to support it. Such bold and unlimited accusations should not be suffered to rest on slender proof. Yet, of all this mass of corruption in the charge, what is seen in the evidence? No single fact of actual indecency is even attempted to be made out in evidence. Some foolish language, which, if it was all true, discloses no actual crime, is the whole foundation on which this atrocious accusation can be pretended to rest. No criminal intercourse is even suggested. It is all talk, and nothing more. And even this talk, if believed, takes away any presumption of guilt. On one occasion, he says, he was beset with a singular temptation, and did not yield to it; on another, if he was disposed to have yielded, he might possibly find Potiphar's wife in the neighbourhood; but he was not disposed. Idle language, unbecoming the seriousness of his profession, it may be granted to be, but who will say it warrants the inflamed and daring intimations on his morality which are uttered in the libel.

The indelicacy insinuated to have occurred at Providence, must also be set down as wholly unsupported. The brother of the young ladies suggests only his belief (his belief merely) of Maffit's intentions. He dares not surmise that these intentions succeeded. The father, and the brother-in-law, had no such suspicion. Neither of the reputable parents of these ladies had any such belief. One of the gentlemen was a man of the world—intimate in circles of fashion, and conversant with mankind. He saw Maffit domesticated in his own family, and permitted all the liberties of a son and a brother. He totally exempts him from conduct unbecoming a Christian and a gentleman. The freedom of intercourse which daily association permitted, he asserts to have been the intimacy of respectful friendship and fraternal kindness; and not for a moment liable to any possible complaint.

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The suggestion is monstrous, when the character of the ladies is considered. They are admitted to be the daughters of most respectable parents; themselves well educated, intelligent, high minded, prudent, and above all suspicion of indecent levity. That such persons should have been the objects of cupidity is an extravagant supposition, which derives no countenance from any evidence in the cause. Though the details of this intimacy have been stated, they give no support to the defence. But I object, said Mr. Austin, to this sacrilegious tearing of the veil, which covers the affectionate intercourse of domestic society. I object that the altars of the household gods should be violated; that private and confidential intercourse which renders home happy, and brightens the family circle, should be exposed; that the playfulness of youth, the ingenuous manners of artlessness and innocence should be brought before the public eye; and that every unguarded act, which looks for its protection to the paternal roof, to a father's power and a mother's kindness, should be stripped from its shelter, and presented to the gloating eye of impertinent curiosity. A course of defence which renders such measures lawful, is a noble commentary on the wisdom of the law, by which, as I humbly conceive, they have hitherto been prevented.

All that indecency, Mr. A. said, which is imputed in the libel, and calculated to catch the indelicate imagination of lascivious readers, is wholly unsupported by evidence.

But of some other matters charged in the libel, some evidence is undoubtedly given to the Jury.

The witness by whom these charges are to be supported, is Mr. Alexander Jones, Jr. This gentleman was, by his own account, the bosom friend and confidant of Mr. Maffit. In the course of this close and continued intimacy, and in the trust of that sacred confidence which friendship always implies, and honor never ought to violate, the witness professes to have learned divers things of the conduct and character of Mr. Maffit, which in his own way, and with such coloring as the Jury believe he has given, are to be considered in evidence.

Of such testimony from such source, Mr. Maffit had a right to complain. He may well say with the Psalmist, "*Mine own familiar friend in whom I trusted, who did eat of my meat, hath lifted up his heel against me.*"

[Mr. Austin then examined the testimony of Mr. Jones, with a view to satisfy the Jury that it was partial, exaggerated, and unfair; and pursued a series of caustic and severe remarks, to destroy the effect which his evidence was calculated to produce.]

The preaching a part of Walker's sermon, Mr. A. argued, was justifiable by the practice of other clergymen, as testified by Mr. Heading, was almost necessary from the close and continual application of Mr. M. to his professional duties; and was, in fact, but a small part of his exercise, as the printed sermon, if read in whole, would consume less than half the time occupied by Mr. M.

The story about the tailor Mr. A. considered quite insignificant. Much more was made of it in the libel, than was proved at the bar. He supposed the defendant (who had to-day opened in a very hand-

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some manner a very important cause) might very safely affirm he was no lawyer on the same ground that Mr. Maffit, though he once worked at the trade, asserted he was no tailor.

Other charges were more serious. Alexander Jones, jun., testifies, that Maffit said he had no belief in the Christian religion. Maffit denies that he said so, and refers the matter to their antecedent conversation, and to the language connected with it. Mr. A. submitted to the jury the propriety of this explanation, connected, as it necessarily must be, with the doctrines of the sect to which the Reverend Gentleman belonged.

By the influence of divine grace, according to their theory, Maffit obtained his faith in Christ. This faith was lively, strong, and immoveable. But he had no human learning, no literary acquirements, none of those arguments or book knowledge by which belief is obtained or preserved independent of the divine agency.

Jones testifies that some young ladies of Mr. Edes's society came to inquire of Maffit as to the doctrine of the Trinity. Maffit said, he patched up an argument as well as he could, and laughed at their credulity.

The explanation is on the same principles. Maffit admits the interview, his ignorance, his efforts, and his surprise at their facility of conviction. But what Jones represents as the lightness of a scoffer, Maffit explains in a way which good men will easily understand; and which reflects honor on the integrity of his principles, disclosed in strict confidence to his intimate friend.

He confesses himself unprepared to meet the human learning by which this mysterious doctrine is enforced or controverted. He uses to the inquirer the best argument he can command; and laments his inability to do more; with his surprise that it was so successful.

Jones represents him as laughing at the converts to his preaching.

Maffit admits the conversation, and differs only as to the manner and design.

He says he felt it as a wonderful thing, that he, a young man, a stranger, with no education, and little talent, should be able to say any thing to affect the minds of the old, the learned, the respectable citizens of the town.

And Mr. A. asked, was it not wonderful? Was there not some mysterious power, some unaccountable charm? Might not a most serious and devout man make these inquiries in all the humility of self abasement? This is an inquiry for the Jury. They must say if the defendant's witness has not colored the account, and made a different representation from the truth.

As to malicious tattling, Mr. A. contended that all the mischief resulted from the witness. That Maffit revealed no more than in honor he was bound to do, to protect the people under whose roof he was sheltered. The mischief was of the witness's producing.

On the whole, Mr. A. contended that unless some new rule of evidence was adopted, the defendant had not made out his justification. Of the thirteen specific accusations, he had offered no proof as to many; of the others, the proof was inadequate and defective.

Lightness, frivolity, and imprudence, were one thing; crime, guilt, wickedness, depravity, were another. The last had been charged by

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the defendant; at most, he had proved only the former. This was not enough in law, as the law has heretofore been found in the books. A party who accuses another of crime at the bar of public opinion, must be held to as strict proof as he who does the same thing at the bar of this Court.

Any other rule will break down the mounds by which reputation is preserved, and overwhelm all that is dear to us in one unbounded current of calumny and detraction.

When the County Attorney had closed his argument, at nine o'clock in the evening, the Court adjourned to ten o'clock on Tuesday morning.

TUESDAY, Dec. 17, the Court opened at ten o'clock.

The following CHARGE TO THE JURY was then delivered by the Court.

GENTLEMEN OF THE JURY,

Joseph T. Buckingham is charged with publishing a libel against the Rev. John N. Maffit, a preacher of the Methodist persuasion. It will not be necessary to enter, on this occasion, very minutely into the nature of libel. It will be sufficient to state, that for the purposes of this indictment, it may be defined, a false and malicious publication, tending to injure a person in his profession, and to hold him up to contempt or ridicule. It is not denied, that the publication in question has all these tendencies.

The defence is, that the publication contains the truth, and that it was made from good motives, and for justifiable ends. Before making any remarks upon the manner in which this defence has been maintained, it is due to the subject, and will be useful in the subsequent illustration of it, to observe on its general nature.

By the Common Law of England, such a defence as this is inadmissible. According to the construction of their Courts, a jury has nothing to do with the intent, nothing with the tendency of the publication. Their inquiries are limited to the fact of printing and publishing, and to the justness of the meaning attributed in the inuendoes. The Court reserve to themselves the power of deciding upon the tendency; the intent is matter of presumption; the truth is declared immaterial, and guilt is made a conclusion of law.

Now it is impossible, in the opinion of this Court, that such can be doctrines of the law of Massachusetts, under a Constitution, making a specific reservation for its citizens of the liberty of the press; a liberty unknown as such to the Common Law; and declaring, that all parts of that law, which are repugnant to that liberty, are not to be considered law under the Constitution. The ground on which the right to use the press is placed under our Constitution, is precisely the ground on which the right to use any other instrument is placed in nature and by law; that is, with a good motive and a justifiable end.

It is not apprehended, that this change of the doctrine of Common

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Law, effected by our Constitution, was occasioned by any less regard for private reputation, existing under a free government, than under a monarchy; but resulted from this great and sound public reason, that it is better that individuals should be occasionally subject to injury, in consequence of the abuse of the liberty of the press, than that the state should be perpetually subject to danger, from any uncertainty in the tenure of that liberty. It results also from this principle, as consonant to reason as it is to the tenor of our Constitution, that the best security any citizen can have for reputation, as for every other right, exists in the integrity and intelligence of his peers. It is to the Jury that the Constitution confidently looks, at once for the maintaining the rights of reputation, and those of constitutional liberty.

To the exercise of this duty you are now, gentlemen, called by your country, and by your oaths, and you need no excitement from the Court to stimulate you to a firm and faithful performance of it.

The case with which you are now charged, is one of no common interest, whether you consider the defendant, or the person whose reputation is assailed, or the public. To the defendant it is of no light consequence either to his character or prospects, to be found guilty on an indictment like this. He has, therefore, a right to expect of you a careful and a minute consideration of all the facts, on which he rests his defence. The person whose reputation is assailed, stands in a relation scarcely less critical than the defendant, and his character and prospects are obnoxious to consequences scarcely less serious. He also has a right to claim, that nothing should be admitted through prejudice, and nothing taken for granted which is not proved. The public also has a deep interest, on the one hand, that the just rights of reputation shall be vindicated; and on the other, that the just rights of the press shall be maintained.

Amid these difficulties, with which the Court as well as you are beset, there is but one safe and honorable course, and that is—regardless who suffers or who is satisfied—to maintain a fixed resolution to understand our duty, and a firm purpose to perform it.

The Court, on its part, will endeavour to bring before you the principal points on which the prosecution and defence depend, and explain the principles by which, in its apprehension, your judgment concerning the facts should be regulated. It will no farther recapitulate those facts than may be necessary to illustrate, and give direction to those principles.

In truth, gentlemen, the government in this case is in the position really of defence. The position taken by the defendant being that of justification, the burden of proof rests upon him. The task incumbent upon the government, is only that of replying to and repelling his proofs.

It is your duty, first, to understand the task the defendant has undertaken, and what he has to perform.

The task assumed by the defendant is to satisfy you, that what he has published is true; and not only so, but that it was published from a good motive, and for a justifiable end. His defence fails, if he do not make out both the truth and the goodness of the motive, or end.

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The mere truth, is not here,—cannot be any where,—in itself, a justification. No man has a right to publish every thing concerning his neighbour; nor any thing, merely because it is true. A contrary doctrine would justify every wanton and malignant attack. What the friends of liberty have every where maintained as the extremest limit of the liberty of the press, is the right to publish the truth for good motives, and justifiable ends. He who wants more, is no friend to liberty.

To this principle, and to both its constituent parts, it is your duty to restrict the defendant.

The objects for your inquiry, therefore, are:—

I. Are the facts true?

II. Were they published from good motives, and for a justifiable end?

I. Are the facts true?

(1.) What are the facts—

On this point it is not necessary, as the Court apprehends, for it to enter upon a minute recapitulation of all the particular charges into which the counsel for the government has divided those allegations. The original paper will be in your hands. It will be your duty to analyse it; to compare what it asserts, with what the defendant has proved; and according to the result to form your verdict, so far as the verdict may depend upon the truth or falsehood of the respective allegations.

For the purpose of generally remarking on the bearing and nature of the evidence, the Court will consider these allegations under five general charges, which are of principal importance; observing, only, that if there be others, not included in this analysis, it is your duty to compare them with the evidence, and with the obligation which the defendant has assumed, to maintain their truth. These charges are,—

1. Falsehood. 2. Infidelity. 3. Betraying confidence. 4. Ridiculing persons coming to the altar. 5. Loose, light, and lascivious conduct.

1. Falsehood.

(1.) In first denying that he had preached other men's sermons, and then confessing it.

(2.) In denying that he had been a tailor, and then admitting it.

As to the denial of preaching other men's sermons, it rests chiefly, if not solely, on the testimony of Alexander Jones, jun. In stating this, as in stating every other part of the evidence, which I shall recapitulate, I shall confine myself merely to its material points, without referring to time, manner, character of witness, or any other circumstances. My single object being to draw your attention to those great features of the evidence, and the principles resulting from them, which ought to arrest your attention.

On this point, Jones says, that "suspecting what he had heard at North Providence to be Walker's sermon, he accused Maffit of preaching it; that his reply was, *that he had used the thought only.*" Jones testifies, that on examining Walker's sermon, he had no doubt "*that he had used the whole of the introduction of the sermon, without alteration,* and that he thought he had used the whole sermon, only

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interlarding it with thoughts of his own;" that he again, at a Mr. Wilson's, charged him with it. *He then allowed, that he had repeated a part of it, but had done it "bunglingly"* (his own expression) "*because he had committed it imperfectly.*" Mr. Maffit's account of the matter is, that he "*used only the divisions and subdivisions of Walker; that he never committed a sermon to memory in his life; that he never read one of Walker's through in his life; that he preached from heads, not from memory.*"

On this point, you will consider, whether here is necessarily any contradiction; whether Jones may not have been mistaken; whether the fact is sufficient to justify such a charge of falsehood, as the publication contains.

The second specification under this head of Falsehood, is, his attempt, as it is termed, "to sink the tailor." That is, denying that he had been a tailor, and afterwards admitting it.

Jones testifies, that he asked Maffit "if he had never been a tailor;" He replied, "*I have never been a tailor, more than a play actor, and I have never been a play actor, in any way.*"

Alexander Jones, the elder, testifies, that "*Maffit told him that he had not been a tailor; that he was neither a play actor, nor a tailor; nor ever had been one or the other.*"

Joshua B. Wood testifies,—"*I had heard he had been a tailor and a play actor. Maffit stated to me he had been neither.*"

Thus much for the denial.

As to the fact of his having been a tailor, you have the testimony of M'Elroy. He says, "*I worked for him in Dublin, eight years ago; he was a master tailor; had a shop of his own. I was his journeyman. He paid me himself.*"

You will consider this testimony of M'Elroy, in connexion with that of Motley, who swears that M'Elroy told him a different story; viz. *that he, Maffit, was in the employ of his mother, in his father's shop, and was not a tailor, only managed the business, and the accounts, and books.*

Jones, jun. testifies, that Maffit, on his second visit to Providence, asked him what "*I understood him to say in relation to his being a tailor. I replied, that he had denied it to me, and my sisters, and a hundred of others. Maffit allowed that he had so denied it.*" Maffit then asked me, "*How a man could be a tailor, if he had not been a journeyman; that though he had worked at it, he did not deem himself a tailor.*" I replied, "*It was a prevarication, and would not be received by the people;* that it would have been more honorable for him to have acknowledged it."

Mr. Maffit's account of the matter, is, *that he had "been troubled frequently by such sort of inquiries; had determined not to answer them, and used such sort of expressions as a man would naturally in a case he did not choose to answer, and which he thought impertinent; that as to the fact, he was not reared a journeyman tailor; that his father was a master tailor; that he had taken care of his shop, and kept his books; that when he came to New York, he had worked at it for a livelihood. But that he did not consider himself as having ever been, properly speaking, a tailor.*"

This the Court understands to be the substance of Mr. Maffit's explanation.

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Whether it is satisfactory, the jury must judge. The charge comes under the head of Falsehood. The sufficiency of the circumstances, in which Mr. Maffit was placed, to justify such a denial, it is the province of the jury to decide.

The second charge is Infidelity; or disbelief, or want of belief in the Christian religion.

Alexander Jones, jr., testifies, that on a certain occasion, "Mr. Maffit used expressions that conveyed to his mind, that *he disbelieved in the Christian religion, or had no belief in Christianity. These last I suppose to be the true words.* I told him I suspected it was so, and at his request, gave him a list of several works, such as Paley's Evidences of Christianity, and the like, for the purpose of aiding his belief. These facts were indelibly impressed on my mind, because they led to an entire revolution in my mind," says Mr. Jones, "in relation to Mr. Maffit's character."

On being cross examined, Mr. Jones said, that the idea he received was, that "*Christianity itself was not his belief. I am sure it had no reference to particular doctrines; the idea was, not that he was an infidel, but that he had no evidence of the truth of Christianity; that is, no argument in his own mind, which convinced him of its truth.*"

Mr. Maffit's account of this matter is, that he had a great confidence in Mr. Jones; that under its influence he had acknowledged the temptations and doubts, and serious trials under which his mind labored, such as the world did not know. I acknowledged to him my disbelief in particular doctrines; *but never that I disbelieved, or had no belief in Christianity itself.*

The general explanation of Mr. Maffit, as understood by the Court, is, that although he might have used the expression, that he had *no belief in Christianity*, that his idea was, "*no perfect belief;*" that is, as the Court apprehends his explanation, "*no belief perfect in both species of evidence;*" *that is, evidence resulting from the operations of divine grace, and evidence resulting from the arguments of human reason.* That it was the last, in which he felt and acknowledged himself deficient; and therefore wanted to become acquainted with writers on that subject.

The other fact, from which Mr. Maffit's infidelity in Christianity is attempted to be deduced, is, from what he said concerning his discourse with certain ladies of Mr. Edes's congregation; who came to inquire of him touching the doctrine of the Trinity. Mr. Jones testifies, that Mr. Maffit said to him, "*I knew nothing about the doctrine; I had preached against it; but that I had hatched, or patched up some reasons, and they believed me.*"

Mr. Maffit's account is,—that when those ladies came, I told him "that I had doubts about the doctrine, but that I gave them what reasons I could."

Concerning both these you will consider the time, circumstances, manner of the conversation, and consider, whether Mr. Maffit's explanation be, or be not, sufficient and satisfactory.

The confession is very extraordinary, considered as made by a clergyman to a clergyman, and will therefore require your very particular consideration to all its aspects.

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The third charge is,—Betraying of Confidence. Mr. Jones testifies, that on a certain occasion Mr. Maffit said "*he had something to tell me, which I must promise not to tell.* He said, Mrs. ——— has been talking very much against your family. In consequence of what Mr. Maffit told me, I warned my sisters against going to her house, without telling the author of my information. *Mr. Maffit told me that he had promised Mrs. ——— not to mention what she told him, on the honor of an Irishman.*"

Mr. Maffit's account of the affair is, that *Mrs. ——— having made some censorious remarks on the manner of Mr. Jones's sisters' conduct towards him*, had made him promise not to divulge what she had said. He thought, however, it was his duty to warn the ladies against her, and took that mode, *without telling all the particulars of Mrs. ———'s conversation.*

On this point the Jury will consider, whether Mr. Maffit's account is, or is not, a justification. It is in substance, that he did not divulge the whole, but only so much as would effectually put the young ladies on their guard.

The fourth charge is,—Ridiculing persons coming to his altar.

Alexander Jones, jr., testifies, that "Mr. Maffit was in the practice of calling up persons to the altar; that on one occasion, Mr. Joseph S. Martin, a respectable merchant of Providence, was affected to tears; that Mr. Maffit said to him (Jones), "that *he laughed in his sleeve, when such sober men as Joseph S. Martin felt any thing from what he said.*"—On being cross examined, he states, that "*his distinct impression was, that Mr. Maffit, having no belief himself, laughed in his sleeve to think he could affect, by his preaching, such a man as Mr. Martin.*"

Mr. Maffit's account of the conversation is,—*That what he expressed was, his surprise, that a man so young, and so little gifted with worldly knowledge, as he was sensible he was, could affect such a man, so old and intelligent as Joseph S. Martin.*

These are the facts; how far they support the charge—how far they are fairly explained away, the jury are the judges.

The fifth charge is,—Loose, light, and lascivious behaviour.

This charge is said by the Counsel for the Government to be a fair inference, from the first and last paragraph of the publication. The Counsel for the defendant deny there is any such fair inference.

It is the duty of the jury to consider, whether from the language of those paragraphs, such a charge is fairly to be inferred. The rule in such cases is,—that they shall take the terms, according to their natural meaning—straining nothing—omitting nothing—supplying nothing.

If such charge be fairly to be inferred, the jury will then consider, what there is in the evidence to justify it. You recollect that evidence. It is of a nature, which, as it must impress itself upon your memories, the Court, considering its character, does not choose formally to recapitulate.

The other charges the jury will easily collect from the publication; and they cannot fail also to recollect the evidence on one side, and the explanation on the other, without any aid from the Court. They will also take into their consideration any corroboratory, or contradic-

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tory evidence, on the one side or the other, though not noticed in this charge.

The conduct of Mr. Maffit, to certain young ladies, seems to have given great suspicion and anxiety to their brother; none at all to their father, mother, or brother-in-law. Was their blindness, infatuation in them? Or his fears, jealousy in him?

As so much of the defence, and so much of the reply to it, on the part of the government, has depended on the testimony of Mr. Alexander Jones, jr., on one side, and of Mr. Maffit on the other, it is the duty of the jury carefully and severely to criticise their respective merits, motives, character, and credibility, as far as can be gathered from what has been testified concerning each, from what appears on the stand, and from the nature of their respective testimony. If any thing tend to strengthen, or weaken, the just credibility of either, you are to give it its due weight.

It is of the truth—the truth of the allegations, of which the defendant has undertaken to satisfy you; and it is your duty to hold him to a rigid performance of his undertaking. A Jury, under our Constitution, has always a right to give a general verdict. And on this point, of truth in the allegations, I think it necessary to make two observations, the one applicable to the party defendant; the other, to the prosecuting Commonwealth.

It was stated to you, in substance, that it was incumbent upon the defendant to satisfy you of every, the minutest particular of the allegations, stated in the publication. I apprehend, that the rule cannot be of that rigid character, in cases of this kind. The rule of every case results from its nature and relations. The nature of this case is that of one citizen, using the press, to destroy the public, moral influence of another citizen, which he assumes to say, or to believe, is working mischief to the community. Now if one citizen deliberately and honestly assume that task, from high public motives, and from no other; and if, in pursuance of his design, he make various specifications of a solemn and weighty character, and he be brought into question for them by the law, I apprehend, that he has a right to acquittal, if, first,—he substantiate to a jury the truth of such of the charges, either in nature and number, as shall satisfy the jury, that the facts proved, justified such an attack, on grave and weighty grounds of public interest; and if, second,—he also satisfy the jury, with respect to those allegations, which he shall fail to prove, that he had reasonable ground for them; and that they were not made from base and malignant motives. The great ground of defence is the right, growing out of the nature of the facts proved, to drag that individual to the bar of public opinion, and destroy his influence. He who assumes that task, assumes a high and awful responsibility. It would be absurd to say, that if the assailant make out the great points of the charge to the satisfaction of the jury,—*viz.* that the facts proved are such as ought to be known, and ought to deprive such an individual of the rank and station he fills in society,—it would be absurd to say, that in such case a defendant should be punished criminally, because in some one of his allegations he was mistaken, or in relation to it his evidence may be lost. What the jury are to require, is, that such of his allegations shall be proved both in nature

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and in number, as shall fully justify such attempt to destroy the moral influence of the person assailed.

But when the Court considers this to be a just rule, applicable to the party defendant, there is another rule applicable to the prosecuting Commonwealth, equally clear, and equally obligatory upon a jury; and that is, that the defendant shall be holden to satisfy the jury, strictly, rigidly, and beyond all possible doubt, that such of his allegations, either in number or nature, are true, as justified such a public attack. In this, there is to be no compromise. Prejudice, suspicion, surmise, are not to be taken for proof. The person charged has a right to require at your hands, that the evidence to which you give credit is sufficient in its nature to justify such allegation, and of a character such, by which you would be willing that your own reputation should be decided.

Thus much the Court deem sufficient to state, in relation to the principal charges in the indictment, so far as the defendant's justification depends on its truth. If you are satisfied of the truth of the allegations, according to the rules now explained, you have yet another duty to perform. You are bound to look into the motive, or end. Mere truth, is not a justification. The liberty of the press essentially requires, that the publication of truth itself shall be limited by good motive, and justifiable ends. The reason of which is a plain inference from the nature of things, and the relations of man in society. Otherwise the press might be an instrument of cruel and wanton sport with the reputation of another, without other object than mean, or light, or malignant purposes. Such a use of the press is as contrary to its just liberty, as it is to moral duty, and religious obligations.

He, therefore, who undertakes, in the use of the great liberty secured to him under our Constitution, to assail the reputation of an individual, is to be holden to prove that his motive was good, and the end justifiable, as much as that the facts were true.

Now motive in this case, as in every other, is to be gathered from the nature of the act, and the circumstances of it.

The allegations made, are against an admitted preacher of a very large and respectable class of Christians. They are unquestionably of a most grave, weighty, and consequential character. Falsehood—Infidelity—Betraying of confidence—Ridiculing those who came to the altar, and the like.

Now there can be but one good motive, or justifiable end, for such a publication; and that is, the exposure of vice and crime, existing in one who assumes the character of a Christian teacher.

This motive, if it exist, must be gathered among other circumstances from the character or tenor of the publication, and from the nature of the allegations.

With respect to the tenor, or character of the publication, if the allegations are true, I apprehend, that the form, manner, and style, in which the writer has chosen to clothe his sentiment, diminish nothing of the right to make the publication; unless indeed they are of such a light and loose character as necessarily to imply motives, other than those great and grave motives which alone shall justify.

On the other hand, no form of expression, be it satirical—interrogatory—by way of supposition—allegory, or insinuation, shall enable a

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writer to cloak a substantial allegation, which he does not dare to make openly. The jury must construe words according to their natural import.

If, however, the truth of the allegations are substantiated to the satisfaction of a jury, and they are in their nature such of which the publication is justified by good motives, a jury will hardly find a defendant guilty, merely because the temper or manner of the publication may be, in other respects, exceptionable.

For, after all, the nature and truth of the allegations must be, in the nature of things, the material considerations from which the jury must deduce the motive. Now in relation to the nature of such allegations, as are here made, it can scarcely be said, that in a country in which piety, virtue, and morality lie at the foundation of society, and are declared, by its constitution, to be its hope and cement, that an exposure of crime and vice, when they exist in such places, and influence, are not within the fair scope of the liberty of the press. But in the use of that power on such occasions, and toward persons in those relations, the goodness of the motive must be made apparent, by the most unequivocal evidence. If, from any thing in the publication or in the manner, the jury are satisfied that the motive was not such as is avowed, but a different one; that instead of proceeding from public motives, and just indignation at crime and imposture, it originated in unworthy motives, and from the gratification of a malignant temper, you are as much bound to convict, as though the publication was false.

He who assumes the solemn and responsible office of public accuser, is as much bound to make the goodness of his motive apprent to the jury, as he is the truth of what he has alleged.

The press, in this country, is constitutionally free. It has the right of bringing government, magistracy, and individuals to the bar of public opinion. The right is given. But it is given, and given only for public purposes, and for an honorable use. Satisfied of these and of the truth, the defendant must be acquitted. Without the concurrence of both such truth and such motive, no defendant can, in law, be justified.

After the charge the jury retired, and at 4 P. M. they came into Court, and inquired, whether, if they found some of the allegations true, and others not proved, they might give a general verdict.

The Court replied—That the question was not without its difficulties; that it had anticipated such question might arise, and had stated in its charge its opinion, as to the limitations under which such verdict might be given; that it would recapitulate that part of the charge. Accordingly it restated that contained in two paragraphs, pages 48 and 49.

The Jury then retired, and in about ten minutes returned a verdict of—NOT GUILTY.

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APPENDIX.

I, GEORGE TAFT, of Providence, in the county of Providence, of lawful age, and engaged according to law, testify and say, that I am acquainted with Mr. John N. Maffit. I called upon him on Monday, I think it was the Monday of the week in which it is said he confessed, in a conversation had at the Rev. Mr. Wilson's, that he had committed and preached a part or parts of Walker's sermons; my impression is very clear, that this conversation I had with Mr. Maffit, was previous to the one had at Mr. Wilson's, above alluded to. He voluntarily introduced the subject himself, and said he had never preached Walker's sermons, excepting that he had taken the same text, and his [Walker's] division. After stating this, he made a solemn appeal to the Deity for the truth of it. His statement being in direct opposition to the report on the subject, is the reason of my perfect recollection concerning it. This statement at this time, perfectly satisfied me that he had used nothing more of Walker's sermons than the text and divisions. I have known Mr. Alexander Jones, jr. for years, and have the fullest confidence in his veracity; I have frequently conversed with him on the subject of his accusations against Mr. Maffit, and never discovered in him [Mr. Jones] any thing that appeared like animosity towards Mr. Maffit, and he appeared to be actuated by good motives. GEORGE TAFT.

I, HEZEKIAH ANTHONY, of Providence, in the county of Providence, of lawful age, and engaged according to law, testify and say, that I am acquainted with Mr. John N. Maffit. Some time in June last, in a conversation at my house, myself and family being present, Mr. Maffit, speaking on the subject of some persons calling him *a church man*, and others saying *he was no Methodist*, he observed in the conversation, that *he was a Methodist to the back bone*, and that his attachment to them was great; yet his call was to preach the Gospel to others as well as to the Methodists; and at the different times he was at my house, his conduct and conversation was as becomes a Gospel minister.

HEZEKIAH ANTHONY.

I, MARY E. MARTIN, of Providence, in the county of Providence, of lawful age, and engaged according to law, testify and say, that I am acquainted with Mr. John N. Maffit He was conversing on the service of the Episcopal Church, at one time, and on the doctrines of that church, he said he was in heart an Episcopalian. I understood him to mean, according to the Episcopalian Church, and not according to the Episcopalian Methodist Church. I am a member of the Episcopalian Church. MARY E. MARTIN.

I, JOHN PRENTICE, of Providence, in the county of Providence, of lawful age, and engaged according to law, testify and say, that I am acquainted with Mr. John N. Maffit. I became acquainted with him soon after he came to Providence, and was much attached to him, as I considered him to be a sincere man, and zealous for the cause of religion. *The second time* of his visiting Providence, I saw him frequently, and my former opinions were strengthened. He was taken ill while preaching one evening, at the Methodist chapel; I was with him the same night, until twelve o'clock; I believe he was really sick; his limbs were cold, and his pulse low; the next day I called at Mr. Wilson's, to inquire after Mr. Maffit's health; I went into his room, and found him in bed, about ten o'clock, A. M. He appeared to be considerably recovered from his indisposition; I understood he had been previously invited to dine on that day, at Mr. Jones's, with a number of other clergymen. He told me he thought he should

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go; I advised him not to go; I told him that from the circumstance of his being so sick, and having had watchers through the night, the public might suppose his sickness was feigned, from his so speedily recovering, and going out to meet gentlemen to dine. He however went, and, as I understood, was taken sick immediately after dining. While he was at Mr. Jones's, and at Mr. Wood's, I heard of some things that were prejudicial to his character as a christian minister; from my opinion of Mr. Maffit, I was disposed to doubt these things. At one time when I was with him at Mr. Jones's, he received an invitation in a note, which he read to me, from Wm. H. Smith and his wife, to come to his house with his wife, and spend some time with them; he asked me who Wm. H. Smith was; I told him he was one of his fastest friends; he replied, that they were no company for him. It struck me at the time, that he felt himself above Mr. Smith, who I believe is a respectable and excellent man, and a lawyer in this town. In consequence of the unfavorable impression left on my mind from this circumstance and others, I determined to have a conversation with him in relation to the reports against him; but as he was sick, I could not see him. A few days after, understanding he was better, I wrote him a letter, stating the reports that were against him, and wishing an interview, for the purpose of an explanation. I designed the letter should be private between myself and him, and never made it public, myself. Mr. Maffit, after reading the letter, I understood, read it to several persons, who were present; in consequence of this letter being made public, a prejudice was excited against me among my friends, from which I suffered in my feelings. Subsequent to this, I met Mr Maffit for the purpose of an explanation; he wished to know what I had against him; I told him I thought he had used me unfairly in exposing the letter I wrote him, as my motives were good, and that I expected it would be confidential; he asked me what further I had against him, which I stated; he said he considered he had never been a tailor, and that his explanation to Mr. Alexander Jones, on that point, was satisfactory; he admitted he had worked at the business of a tailor in New York, from necessity. In this conversation, I told him I was dissatisfied respecting the report of his having denied his belief in the Christian religion, and at his being disposed to laugh at persons who came to the altar to be prayed for; he observed that he had stated to Mr. Alexander Jones, jr. in confidence, that at times he laboured under great temptations; that sometimes he was tempted to disbelieve the Christian religion, and sometimes, when his mind was absorbed in religious contemplation, and he was engaged in preaching and exhorting, he was tempted to laugh; I considered this explanation as a palliative of the declarations which he had made. I heard Mr. Maffit preach a sermon at North Providence, which, on examining a sermon of Walker's, I discovered to be the same in some of its ideas and sentiments, as that I had heard him [Mr. Maffit] preach. *I never saw any personal animosity discovered by Mr. Alexander Jones, jr. towards Mr. Maffit, and I frequently conversed with Mr. Jones on the subject of his accusations against Mr. Maffit; I believe Mr. Jones fully entitled to credit and confidence.*

JOHN PRENTICE.

I, JOSEPH JONES of Providence, in the county of Providence, of lawful age, and engaged according to law, testify and say, that I am acquainted with Mr. John N. Maffit. I at one time heard Mr. Maffit preach a sermon in this town; on examining one of Walker's sermons, I recognised that he [Maffit] had used the same divisions of the subject with Walker, and many of the best and most striking expressions, together with many of the ideas, and much of the same language. I once heard Mr Maffit say in my presence, that he had never been a tailor or a play actor.

JOSEPH JONES.

I, NATHAN B. CROCKER, of Providence, in the county of Providence, of lawful age, and engaged according to law, testify and say, that I am acquainted with Mr. John N. Maffit. I saw a letter of Mr. Maffit's, written at Bridgeport, and addressed to Mr. Alexander Jones, in which he denied that he had ever been a journeyman tailor, although he confessed that he had worked at the tailoring business, I think in some shop in New York; he mentioned his pecuniary embarrassment as a reason for his engaging in that employment. I have several particular reasons for believing, that the present state of unpleasant feeling on

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the part of Mr. Alexander Jones's family towards Mrs. Crocker, was produced by the officious and malignant communications of Mr. Maffit to that family. Judging from the general deportment of the family, before and since, it is impossible for me to avoid the conclusion. In a conversation with Mr. Maffit, respecting his application to the Methodist General Conference, he told me they had appointed him a missionary-general, or some similar expression, with an income something like fifteen hundred dollars; I considered him as meaning a specific sum of about that amount, and I thought it an unusually large salary for a missionary of that denomination. He never gave me any explanation on this subject. At a prayer-meeting in the Methodist chapel, while a Methodist clergyman from Bristol was earnestly engaged in prayer or exhortation (I think it was prayer), Mr. Maffit came about half way up the broad aisle and entered a pew. After glancing his eyes around the audience, he fastened them on a party of ladies in the gallery, behind whom I was sitting, and with a gentle bow of the head, *kissed his hand and waved it to them.* I never discovered any personal animosity in Mr. Alexander Jones, jun. towards Mr. Maffit; and from frequent conversations with him, and from what I saw, I believe him to have been actuated by high and honourable motives. I believe him entitled to the fullest credit and confidence.

N. B. CROCKER.

I, ELIZA A. CROCKER, of Providence, in the county of Providence, of lawful age, and engaged according to law, testify and say, that I am acquainted with Mr. John N. Maffit. In a conversation with Mr. Maffit, at my house, I advised him to be cautious in his conduct, lest he should give rise to reports that might be to his disadvantage and that of the Jones family. At the close of the conversation, I observed to Mr Maffit that I had had this conversation for my own satisfaction; it was with friendly views towards him and the Jones family; I requested him not to mention the conversation; he replied, "honour bright; depend upon the honour of an Irishman; nothing shall be said by me;" I afterwards renewed my request as he was leaving the house, that he would not mention this conversation; he again assured me that he would never mention it. This was the only evening that Mr. Maffit ever spent at my house. In another conversation, at Mrs Moore's, he spoke to me very disrepectfully of Mrs. King, and also of Mr. Alexander Jones; he said that Mr. Jones was a vulgar and ignorant man, and he found it very hard to get along with him, and wondered how Mr. Crocker could get along with him. In these conversations with Mr. Maffit, he appeared to be anxious to vindicate his own conduct, at the expense of the Jones family. During one of the above conversations, I observed to Mr. Maffit, that I had heard that he had said he was *a Methodist to the back bone*, and that there was as much difference between the Methodists and Episcopalians, as between a hot and cold jonney-cake. He replied, *I never made use of such a vulgar expression* as to say that I was a Methodist to the back bone. He said that the anecdote of the hot and cold jonney-cake, was one related of a clergyman.

ELIZA A. CROCKER.

State of Rhode Island, &c.

PROVIDENCE, ss. In Providence, on the 9th day of December, A. D. 1822, personally appeared the aforenamed deponents, George Taft, Thomas Wilson, James Wilson, Hezekiah Anthony, Alexander Jones, and John Prentice, and on the 10th day of December, A. D. 1822, personally appeared Mary E. Martin, Joseph Jones, John B. Chace, Nathan B. Crocker, and Eliza A. Crocker, and on the 11th day of December, A. D. 1822, also personally appeared Harriet F. Chace, who (excepting Mary E. Martin, Eliza A. Crocker, and Harriet F. Chace, who were severally affirmed according to law) were sworn according to law, to the respective depositions, by them, in my presence subscribed, and by me in their presence reduced to writing, taken to be used in the trial of an indictment now pending and to be heard and tried before a Municipal Court to be holden in the city of Boston, state of Massachusetts, on the third Monday in December inst. between the Commonwealth of Massachusetts vs. Joseph T. Buckingham, for an alleged libel against John N. Maffit.

The said deponents were respectively requested by Benj. F. Hallet, Esq. attorney to said Buckingham, to give their depositions relative to all facts within

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their knowledge, respecting the alleged facts set forth in said indictment; the said deponents declined giving their testimony in their depositions, any further than they might respectively choose, to which said Hallet agreed The oath (and affirmation) was administered according to law, to each of them under said agreement, between said Hallet and each deponent respectively. John N. Maffit was duly notified of the time and place of taking these depositions, but was not present.

WILLIAM APLIN, *Justice of the Peace.*

I, JONATHAN BARNES, jr. of Middletown, in the county of Middlesex, and state of Connecticut, of lawful age, depose and say, that I was present in the Presbyterian Church in this town, some time in the course of the last winter, (the precise time I do not recollect, but I should think it was in the month of December or January last), when the Rev. John N. Maffit, of the Methodist persuasion, preached a sermon before the Female Charitable Society. Mr. Maffit did not arrive in town until some time after the hour appointed for the commencement of the service in the evening. Soon after he entered the pulpit, he made an apology to the audience, for the imperfections which would probably appear in his performances, on account of the shortness of the time which had been allowed him for preparation, but I cannot undertake to state the exact words of his apology. His text was the 6th, 7th, and 8th verses of the sixth chapter of Proverbs: "Go to the ant, thou sluggard," &c. I was unacquainted with Mr. Maffit, had never heard him preach but once before. and was pleased with his discourse. A friend happened to be at my room one or two evenings afterwards, and observed that he had a book at home which contained the sermon of Mr. Maffit; and presently after he brought in a volume of sermons by the Rev. Mr. Walker, in which there was a discourse from the text abovementioned. I examined it, and found many sentences, which I should say were identically the same with those pronounced by Mr. Maffit. The similarity between the discourse of Walker, and that delivered by Mr. Maffit, was so striking, that it could hardly be the result of accident. Mr. Maffit made some concluding remarks, which were adapted to the particular occasion; these were not in the sermon of Walker, and appeared to me to be much inferior to the other parts of the discourse. And further the deponent saith not.

JONATHAN BARNES, JR.

State of Connecticut,

MIDDLESEX COUNTY, ss. December 14th, 1822. Personally appeared Jonathan Barnes, jun. Esquire, and being duly cautioned, subscribed the foregoing deposition, and made oath to the same, before me.

GEORGE W. STANLEY, *Justice of the Peace.*

I, JOHN SOUTHMAYD, of Middletown, in Middlesex county, in the state of Connecticut, of lawful age, depose and say, that I was present at the delivery of the sermon by the Rev. John N. Maffit, mentioned in the foregoing deposition of Jonathan Barnes, jun. Esqure. I recollect that Mr. Maffit made an apology for accepting the invitation of this society to preach, without more time for preparation, remarking, that he only had about ten minutes notice; that, holding the bible in his arms, he remarked, "That he had not long before preached at Boston. or at some other place, on a similar occasion, and that his master always supplied him out of that book with enough to enable him do the duty to which he might be called, and that he was always happy to lend his feeble efforts,"—or words to that effect. I had before heard Mr. Maffit preach four sermons, but was not edified in the least; but was very much pleased with the sermon first mentioned, and thought that he had made very great improvements indeed; this was the subject of conversation in my family, who were very much edified with the sermon. On the next evening, or soon after, I went with my family to hear him preach in the Methodist meeting-house; and here again we were very much edified by the sermon there delivered by Mr. Maffit. The next evening I attended a meeting of a Female Missionary Society, at which several of the brethren were present. One of them had in his hands a book, and asked, if he should read any thing which they had before heard preached, they should recollect it? and proceeded to read. The book and the object were then unknown to me; but the text and the heads of the discourse, I at once recollected to be the same which I

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had heard from Mr. Maffit, on the occasion first above mentioned. As he continued to read, I recollected clearly many expressions and whole sentences to be the same as were delivered by Mr. Maffit on the above occasion Two or more of those present, remarked on the expressions and sentences as they were read; that they were the very same; by which it appeared that their recollection and mine agreed. After a considerable part of the sermon had been read in this manner, I was satisfied that a fraud had been practised by Mr. Maffit on his hearers, on the above occasion; and remarked, that it could not be necessary to read more of it. I then took the book, and found it to be a volume of Walker's sermons; and on examination, soon found the same text from which the sermon delivered at the Methodist meeting house as abovementioned was preached. I borrowed the volume and carried it home; my wife and two daughters, who had heard the two sermons before mentioned, were together; without reading the text, I began to read the sermon delivered at the Presbyterian meeting-house; but as the hour was late, about ten o'clock, they were not inclined to hear, and were surprised that I wished to read at that time; but they very soon recognised the sermon, and wondered where I got Mr. Maffit's sermon; I continued to read, and read nearly the whole sermon, and on a careful examination of the sermon, though I cannot pretend to remember the sermon delivered, verbatim, of this I am certain, that the text, the heads or divisions of the discourse, the train of thought, and very many of the expressions, illustrations, and sentences, were the same in the sermon delivered by Mr. Maffit at the Presbyterian meeting-house, and that read by me from Walker. I recollect that in the sermon preached by Mr. Maffit, in speaking of the sagacity of the ant, he made two points which were so nearly alike, that it was mentioned in the family, and thought to be a mistake, or a repetition; but on examining Walker's sermon afterwards, on the suggestion of my daughter, I soon found the same thing there. Indeed, so strong is my impression, as to the two sermons being the same, that had Walker's sermon been published immediately after the sermon delivered by Mr. Maffit at the Presbyterian meeting-house, as the sermon of Mr. Maffit, neither myself nor any person who heard the sermon, and was unacquainted with Walker's sermon, would, according to my belief, have doubted that it was the same. I further say, that I particularly examined the other sermon, which was on the same text as the sermon preached by Mr. Maffit at the Methodist meeting-house, as above mentioned. Of this sermon about two thirds were, according to my best belief, taken from Walker's; the remaining part evidently was not; and the difference between the concluding part of the sermon, and the principal part of it, was very plainly to be perceived; the first part being altogether superior to the close. Of this last sermon, and that in Walker's, above referred to, the text and heads or divisions were precisely the same. And further the deponent saith not. JOHN SOUTHMAYD.

State of Connecticut,

MIDDLESEX COUNTY, ss. December 14, 1822. Personally appeared John Southmayd, and being duly cautioned, subscribed the foregoing deposition, and made oath to the same, before me.

GEORGE W. STANLEY, *Justice of Peace.*

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C. G. Pickman
with the respects of
The Author.
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MR. BUCKINGHAM'S

ADDRESS.

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AN

ADDRESS

DELIVERED BEFORE THE

MASSACHUSETTS

CHARITABLE MECHANIC ASSOCIATION,

AT THE CELEBRATION OF THEIR

EIGHTH TRIENNIAL FESTIVAL,

OCTOBER 7, 1830.

BY JOSEPH T. BUCKINGHAM.

BOSTON:

PRINTED FOR THE ASSOCIATION.

1830.

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Gift of E. C.

John Cotton, printer, 184 Washington Street.

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TO

THE MEMBERS

OF THE

MASSACHUSETTS

Charitable Mechanic Association,

THE FOLLOWING ADDRESS

IS RESPECTFULLY DEDICATED,

WITH A SINCERE WISH THAT IT WERE MORE WORTHY OF THEIR ACCEPTANCE,

AND A REGRET THAT IT IS SO FEEBLE A RETURN FOR THE KIND REGARDS,

THEY HAVE UNIFORMLY MANIFESTED FOR

THE AUTHOR.

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ADDRESS.

WHAT IS THE CHIEF END OF MAN? What the object of the mighty effort, in which men of all nations, ranks, characters, and capacities, are engaged? For what is it that the Politician practises all the arts and devices, which nature, and education, and ambition, can supply, and, in one respect at least, imitates the example of an apostle, becoming all things to all men? For what does the Merchant wander from his home, turning his back upon all its endearments, shutting his eyes to the sweet smile of beauty, and stopping his ears to the breathings of affection, braving the treachery of the ocean and the perils of untried climates, hazarding property, liberty, and life, his all, and sometimes, alas! more than all his own, to the chances of war, and fire, and piracy, and tempest? For what does the Farmer, with painful solicitude, observe the clouds and the winds, and, with restless apprehension, mark the phenomena that usher in the seed time and harvest, while he exhausts his physical strength and robs his limbs of the rest and relaxation, which are their honest due?

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What prize is that, which invigorates the arm of the Mechanic, and stimulates the inventive faculty of the Artizan, while they plod on through winter's cold and summer's heat—now scorching under meridian suns, and now shivering in the damps of midnight darkness—now delving in tunnels under the beds of mighty rivers, and now, with daring foot, threading the circuit of the lofty dome, or scaling the pointed steeple, midway from earth to heaven? What is it, which is to requite the Scholar for the desolation of health, the consumption of vigor, the havoc of intellect, produced by his labors in polishing a period or in solving a problem? And, to close this series of interrogations, to what end does the religious enthusiast shut up his senses against the fascinations of nature and the sympathies of humanity, while he strains his ingenuity and libels reason, making to himself a God after his own likeness, and tormenting all the rest of mankind, who refuse to honor and adore the image he has set up?

This inquiry is deeply interesting, and involves considerations, which must affect the condition of every human being in every stage of existence. The answer must be a general one; and an attempt to apply it to the present character of individuals and associations, and to concerns of every-day occurrence, is all that will be proposed or required on the present occasion. To others, whose peculiar office it is to admonish or instruct from this place, belongs the duty of illustrating and enforcing these considerations with reference to another world and a future life. I

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will not intrude upon their consecrated ground, nor trespass on the province of the spiritual teacher. Be it mine to speak of men in their social and temporal capacities; be it his to fit them for intercourse with holier spirits, in a more enduring habitation.

The inquiry proposed is deeply interesting; and, whatever the statesman or the philosopher, the philanthropist or the misanthrope, the man of business or the man of pleasure, may offer in reply, the answer, in a single word, is HAPPINESS. But though the object of our labor is so apparent—though the temple is ever in sight—the avenues, which lead thither, are not so distinctly visible. They are shadowed with clouds, and enveloped in mists; and he, who commences the pilgrimage, though the point where all the avenues centre may be ever present to his eye, little knows what dangers and difficulties beset his path—through what fires and floods he must walk—what giants and demons may assault him and defeat his purposes. Human life is a life of uncertainty and hope, of discouragement and expectation; and he who rejects the conditions, must relinquish his title to the freehold.

By far the greater portion of mankind have found that personal and individual happiness is promoted by association; that the highest state of enjoyment is that, in which there can exist an interchange of sentiment, opinion, and feeling—a comparison and coincidence of taste and inclination—a convention of purposes and means; and this disposition in men to unite with others, having congenial tempers, similar

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habits, and common interests, was the origin of society.

Man is a being that loves himself. All his natural desires and propensities have a conservative tendency. Every moment of his existence he is striving—often, perhaps, unconscious of the effort—to make that existence more agreeable. It is only to augment his capacity for enjoyment—to increase his power of obtaining individual happiness, and to facilitate the fruition of his desires, that he consents to unite his efforts with those of his fellow-men. These general principles are inherent in his nature, and are interwoven with every fibre of his physical and intellectual composition. They exist from necessity, and must continue to exist as long as man himself shall endure. No truth is more sacred or immutable than the oft-repeated maxim, "Self love and social are the same." To every thinking mind it is a self-evident proposition, though its commonness has subjected it, sometimes, to the sneer of superficial moralists, as an apology for licentiousness and profligacy. Philosophically viewed, it lies at the foundation of the whole moral system. It is, in a modified sense, the essence of the Divinity.

And what is the moral system, but a combination of elementary principles, a coacervation of fundamental truths, embracing the duties, obligations and responsibilities of men, living together in society?—obligations and responsibilities founded in necessity, because the chief good cannot be attained without the employment of the requisite means? The

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knowledge of these means constitutes the science of ethics.

Morality, in this extended sense of the term, is another name for Public Spirit. And what is Public Spirit? I use the definition of one who wrote more than a hundred years ago.* It is a combination of every laudable passion, and takes in parents, kindred, friends, neighbors, and every thing dear to mankind. It is the highest virtue, and embraces almost all the others—steadfastness to good purposes—fidelity to one's trust—resolution in difficulties—defiance of danger—contempt of death—impartial and active benevolence to all mankind. The office of Public Spirit is to combat fraud and delusion—to reconcile the governors and the governed—to expose imposture—to resist oppression. It fills the country where it operates with industrious and happy laborers, and the town with intrepid and useful citizens; and maintains the whole in liberty, plenty, ease, and security. Public Spirit is a passion to promote universal good, even at the hazard of personal pain, loss, and privation. It is one man's care for many, and the concern of every man for all.

Men are not always ruled by *principle*, but oftentimes by *passion*. Almost every action is an evidence that friendship for themselves extinguishes their regard for others, and that they adopt or reject prin-

* This definition, together with the substance of the next three paragraphs, is abridged, with some variations in language in order to adapt the sentiment to this age and country, from "*Cato's Letters*," published in London, about the year 1720.

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ciples, just as these principles promote or contravene their passions. The good they do to each other is not always done because it is just, nor because it is commanded; nor do men always refrain from the commission of evil deeds because they are unjust or forbidden: but every thing is done from choice or from fear. The best, as well as the worst, actions are selfish, and self love is thus the parent of moral good and evil.

Men suit their principles, too, to the circumstances they are in, or the circumstances they would be in. When their point is gained, their principles are forgotten. Statesmen and politicians have one set of principles when they are *in power*, and another when they are *out of it*. They that command and they that obey have seldom the same motives. Men change with their condition, and opinions change with men. Truly was it said by a celebrated French philosopher, "The understanding is the tool of the heart."

I repeat, that every passion, which men have, is selfish to a greater or less degree. When, by the agency of these passions, individuals or the public are benefited, and the consequences of their operations are such as tend to the general good, they may properly be called *disinterested*, in the common acceptation of that word. A man is disinterested, and then only, when the views of his mind and the purposes of his heart combine to produce and to secure the safety, security, and happiness of others—when his own personal pleasure and gratification and glory

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consist in the service of his fellow-men. In any other sense than this, there is no such thing as disinterestedness. The best actions often arise from fear, or vanity, or shame, or some other passion equally unworthy in itself. When the passions of men operate in such forms, and are exercised in such modes, as to encourage enterprise, promote useful inventions, reward industry, enlarge the circle of social affections, or in any way produce good to society, the motive is called virtue, morality, public spirit, and, in our modern phraseology, *Patriotism*. On the other hand, when the passions produce the opposite effects, the motive is properly called selfishness, dishonesty, lust, meanness, and other names of infamy and reproach. To pretend that men act independently of their passions, is an absurdity, which none but a fool, a madman, or a hypocrite, would advocate.

In these desultory remarks, I am not aware that any new doctrine is promulgated. I am sure that the sentiments are not original with me, and I can hardly claim any property in the language, in which they are clothed. The reason of their introduction at this time and place must be obvious to every auditor; the fitness of their application requires no extraordinary degree of ingenuity to make it apparent. What is the association, which I have now the honor of addressing, but a confederation of individuals, governed by the same interests, operated upon by the same motives, excited by the same passions, and acting in the aggregate as when each is acting for himself individually? What is it, but a link in the

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grand chain of humanity, which embraces countless multitudes of organized, sensitive, susceptible, sympathetic, intelligent creatures?—a term in that sublime series of causes and effects, which, before His spirit moved upon the waters, the Creator ordained to govern and hold together his moral and intellectual offspring, till the energies of his own creative power should cease to operate.

A middle station in the order of society—a position removed at a suitable distance from the extremes of mendicity and wealth—is usually believed to be the happiest. If happiness consisted only in possession, men, perhaps, would illustrate their faith in this doctrine by their daily practice; but daily experience shows us that anticipation and hope are ingredients essential, I had almost said indispensable, to individual happiness. We are never content with what we have, but with that, which we labor to get, and which we believe we shall some time or other possess. This unextinguishable desire for more, whatever we may already have, is the spring of industry; that it is, which gives birth to invention, and imparts vigor to enterprise; that it is, which sustains and cheers men of all ages and capacities, through days and years of incessant and unsuccessful labor, with minds tortured on the rack of expectation and hope, to mature some plan, by which poverty may be exchanged for competence, and competence for wealth.

In these middling ranks of society—middling as it regards wealth and poverty—we find the farmers, the mechanics, the manufacturers, the traders, who

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carry on, professionally, the ordinary operations of buying, selling, and exchanging merchandize, and most of the merchants. Under this division of society may also be ranked all, who depend on the active employment of their faculties, whether physical or intellectual, for the subsistence and education of themselves and families—all, who, by such employment, are continually adding something to the stock of private property, and taking nothing from the public chest.

There is another class—I will not call it a higher one, for in our republic the distinctions of higher and lower, in reference to privilege, employment, and rank, are unknown—who, by inheritance, or by singular success, are rich, who are subjected to no necessity of manual labor, and who, for the most part, are incapable of any mental exercise beyond that of calculating interest on notes and bonds. These naturally assimilate, and around them are attracted, the idle, the vain, the showy, and all float together on the surface of society; and if, like butterflies, in a few sunshiny moments, they have strength and activity enough to display their gaudy wings a little higher than the horizontal level, a shadow kills their buoyancy, and, as evening approaches, they are not to be found. But individuals of this character are almost too few to form a distinct class of themselves. Most of our rich men (Heaven be praised!) have more generous hearts, more generous sympathies, more of that self love, which identifies itself with public spirit.

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A third class are the poor—those who are poor from ignorance, vice, feebleness of mind, and a few from unavoidable misfortune. These, from necessity, if not from choice, unite also as a distinct class. Between these two classes—the unproductive poor and the unprofitable rich—which have few or no qualities or characteristics in common, there naturally exist a jealousy and distrust, which might, under supposable circumstances, break out into open hostility, were there no intervening class to stand between the extremes and prevent a collision. This is composed of those who labor in the various employments and professions before enumerated—whose enterprise, activity, and success, have not given them entire independence of labor, but have raised them above dependence on the kindness, caprice, or patronage of others. Such men can never consider the appropriate name of *middling class* a reproach, but one of honorable distinction. They form the most numerous class, and consequently the most powerful. From their distinguished position and their predominating influence in society, they may be compared to the central streak in the rainbow, which is the broadest and most distinctly developed, while its hues intermingle and coalesce with those of the outer edges so delicately, that the sharpest eye cannot discern the line of separation, nor trace out its undefinable boundary. This middling class is the security of the rich against the depredations of the poor, and the protection of the poor against the oppression of the rich. Its influence softens the vindictiveness of avarice,

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and chastens the wantonness of pride; it encourages desponding humility, soothes the sorrows of suffering, assuages the repinings of despair, and checks or subdues the temptations of the oppressed to undertake desperate or unlawful remedies.

This middling class of society is, at least, half made up of mechanics—hard-laboring, industrious, practical mechanics. The obligations, which society owes to this class of citizens, are universally acknowledged. If the occupation of a mechanic can, in any part of the world, be cause of reproach, or if the name could ever be made to imply any thing dishonorable, this is not the region, nor is this the day, for either the one or the other. You, who hear me, need no prompter to remind you of men, who, though bred in workshops, have honored, embellished, and defended your country. That grateful country knows and remembers that the mechanics have ever been foremost in her cause, when she has had battles to be fought or wrongs to be avenged. They have given statesmen to her councils, generals to her armies, and plenipotentiaries to establish her rights at foreign courts, who met the cunning policy of foreign diplomatists with sagacity and prudence equal to their own. In the war of the revolution, they boldly faced the mercenary troops of her unnatural parent, and forced that haughty parent to relinquish its claim to dominion over her soil and her sons. The soil of this country is theirs; they fought for it; they bled for it; their fathers died for it; and perish the tongue that shall ever consent to relinquish one particle of

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its dust to foreign domination or domestic despotism.

The impossibility of enjoying the elegances, or even the conveniences of life, without the services of the practical mechanic, is too apparent to require more than a moment's notice. The most powerful monarch cannot maintain his state without him. The most splendid palace, like his own humble habitation, is indebted to his skill and labor. The walls and all that they enclose, whether made for use or for show, for comfort or for embellishment, are all the work of his hands; and while the fortunate possessor reclines on the costly couch, or feeds from dishes of gold and silver, the mechanic, who made the palace and its furniture, shares with him his independence, and enjoys the fruit of his or his ancestor's most profitable speculations.

Again—Look at the mechanics as members of the great political community. To them, in common with all other classes of men, is entrusted the most important power that can be exercised in the nation—that of electing rulers and magistrates;—and, from their numbers, they can always exercise a preponderating influence in all elections. If they do not constitute an actual majority over all other classes, they form such an emphatic plurality, that they may be said to hold in their hands the issue of all elections, and can say which candidate shall be safely seated in the descending scale, and which shall kick the beam.

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In another point of view the influence and the power of mechanics is important. To them is confided the duty of educating a large portion of the young—and this duty is not confined to their own offspring, as numerous, probably, as the children of any other classes. But on them devolves the obligation to instruct and to train to industrious habits and virtuous principles, an immense body of apprentices—a generation of young men, to whom, in their turn, are to be committed the same duties and privileges. On the mechanics, then, rests a most solemn responsibility, and their country demands and expects a most righteous and rigid discharge of it. No set of men can do more towards forming and sustaining a national character; for the character of a nation is nothing more than the aggregate of individual and personal character. While, from motives connected with private interest, mechanics demand of their apprentices a punctual observance of the stated hours of labor, and diligent attention to lessons of skill and dexterity in their employments, let them not forget the claims of society and their country. Let their apprentices be inspired with a devotion to justice, honor, and truth. Let them be taught, both by example and precept, their social and civil rights, their moral and political obligations. Let them be taught the virtues of punctuality, sobriety, frankness, and generosity; let them be taught to respect themselves, and you will seldom find one so obstinate or untractable as to withhold the respect he owes to you and to society. Let them be taught that art, which is

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superior to all others—the science of self-government and self-control—

> Art, that may be pursued without a crime,
> And leave no stain upon the wing of time.

It is to the middling class that the commonwealth looks for her main support; it is to them she is chiefly indebted for the vigorous and enterprising recruits which supply the waste of population by emigration and death. Celibacy prevails among other classes; (whether from necessity, or choice, or fashion, need not now be considered;) but among active mechanics, a bachelor of thirty is as rare as a phenix among birds, though much less an object of admiration or desire—and among practical farmers, he is as useless, as unseemly, and as much dreaded, as snow in summer or rain in harvest.

If the middling class of the people be well educated, it is not possible that they can suffer individual oppression. If they be united in purpose, it is not in the power of a moneyed aristocracy (if such a body of men exist among us), nor of any political projector, under whatever cloak, or name, or watchword, he may attempt to play the demagogue and gull the common ear, to deprive them of their influence in all the measures of the government, or of their share in all its offices, emoluments, and honors. Their voice must be heard; their strength must be felt; and, let any bold and unprincipled man, or body of men, attempt to stifle the one, or break down the other, a million of tongues would be loosened to pour forth the sentence of condemnation, and a million of hands

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prepared to execute it. A man must be an idiot, and incapable of judgement—he must be a knave, endeavoring to impose upon mankind a conviction that they are fools—or he must be a madman, imagining all others to be crazy, who should set himself seriously and soberly to work to convince the mechanics of this country—the laboring and producing classes—that they suffer privations and disabilities, that are not felt by all other men. That individual instances of oppression and wrong have occurred, and will again occur, is doubtless true; "when went there by an age" that fraud, and cunning, and avarice, were not sometimes successful in sacrificing a victim? We have not yet arrived at that perfect state of society, the long-expected Millenium. So long as men are born with human passions, and wherever these passions are permitted to grow and strengthen without cultivation and discipline, so long and so widely will the consequences of uncultivated and undisciplined passions be felt and lamented. The remedy for this is Education. The one all-efficient remedy is Moral and Religious Education. Let men be taught that independence—the only independence worth having—is an absolute and entire reliance on their own personal efforts. Let them be taught that their chief good is to be found in the enjoyment of subdued appetites, disciplined passions, temperate habits, moderate desires, well-informed minds; and I know not what further agency man can have in hastening the approach of that period, when

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All crime shall cease, and ancient fraud shall fail,
Returning Justice lift aloft her scale,
Peace o'er the world her olive wand extend,
And white-robed Innocence from Heaven descend.

Admitting what is sometimes contended for, that the middling classes have not their due proportion of influence in the public affairs—if, as a body, they would regain what they have lost, or achieve what properly belongs to them, in this respect, they must sacrifice all personal considerations, all motives of a merely selfish character, on the altar of public spirit. There must be no jealousies, and envyings, and heart-burnings, at the success, which distinguishes one above another. If candidates for public office should be selected from their ranks, there should be no paltry opposition, growing out of the supposed neglect of imaginary, or even real, claims of others. Prejudices of this sort avail nothing in favor of those that indulge them, but they often defeat the best of purposes, and weaken the strength of the whole body. It is an unnatural discontent, and may lead to divisions, injurious to the public welfare, as well as unjust to private feeling, which the life of man may not be long enough to repair.

Would the middling and laboring classes preserve in their own hands the powers and privileges they now possess, and perpetuate the possession in the hands of their children, they must watch the signs of the times and keep pace with the progress of improvement. They must never weary nor tire in the pursuit of knowledge; they must allow neither sleep to their eyes nor slumber to their eyelids, while there

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is important knowledge to be obtained, important principles to be unfolded, important rights to be secured. Let them see that their country has no cause to reproach them with treachery or neglect. That country is yet in its youth. Compared with some of the kingdoms of the eastern continent, it yet retains, in its physical features, all its virgin freshness, and exhibits the recent touches of its great Maker's hand. It is for you whom I address, and such as you, and your contemporaries of the middling classes, to carry on the work of improvement; to plant cities in her deserts and towns in her waste places; to convert her forests and rocks into houses that shall unite elegance and comfort—into ships for the transportation, and warehouses for the storing and vending of the merchandize that accumulates in our seaports—into churches, and temples, and edifices for public use, that shall add improvement and beauty to the face of nature, and give ease and safety and gladness to the heart of man. In that career of public spirit, which constructs canals, rail-roads, aqueducts, manufactories, and every species of work that can contribute to public convenience and private enjoyment, it is yours to lead the van. Men of capital may furnish the means, but it is your ingenuity and invention, your contrivance and skill, your perseverance and industry, that must accomplish the work. Let no one ask, if you *can* do it. You can do whatever you *will*. There is not in the world—I say it with feelings of pride as a mechanic and of patriotism as an American citizen—there is not in

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the world a more virtuous, and patriotic, and efficient class of men, than the American Mechanics. "There is no better sign of a brave mind, than a hard hand."

The Duke of Orleans, now the King of the French, when he was driven from his country and deprived of the income of his estates, would not, like many of the nobles and princes of the blood royal, among whom was Charles X, become a beggar to the English Government, but chose rather to become a professor of mathematics in a Swiss college, and actually earned a subsistence by teaching arithmetic and geometry. This showed that he knew the value of an independent mind, and that he was fitter for a king than the miserable mendicant he succeeds. No man of mature age and strength is fit to live among men, who is too idle or too ignorant to employ the means necessary to furnish his daily bread. Least of all is he fit for a ruler, who is unacquainted with the arts, which give subsistence to his subjects.

Give me whereon to stand, exclaimed Archimedes, and with my lever I will move the world. The mechanics of these free and independent states can do as much; they can make as proud a boast as the Grecian Philosopher, and they are not, like him, without a safe position on which to plant themselves, while they put the power in operation. The influence they possess as a body is daily increasing. An awakening spirit is abroad among them, and stirring them up to the establishment of schools, lyceums and institutions for purposes of education, and for uniting and directing their energies to the advance-

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ment of literature, and arts, and sciences. The highest honor of a mechanic, or any other man, consists in the cultivation of his mind; because it is mind, that controls and directs every thing else. It is mind, which pursues, preserves, and enjoys happiness; it is the mind alone, of all earthly possessions, which is eternal; mind is the only attribute of our nature which exalts us to the likeness of our Maker—the only one, in which the image of God is reflected.

"It is the mind that makes the body rich." It is wisdom and understanding that make the man independent. Ignorance is, of all slavery, the most degrading. Chains and fetters may be made of gold as well as of iron, but neither the one nor the other can keep down the energies of an intelligent, well-cultivated, independent mind—a mind trained in the school of virtue, and imbued with principles of honesty, integrity, firmness, honor, and that self love, which forms the basis of the social system. The power of such a spirit is uncontrollable and unlimited; its elasticity can no more be subdued than that of the vital fluid, which sustains its physical organization. Prison walls cannot confine it; nor mountains nor seas set bounds to its operations.

Do you ask what is the evidence to support so broad an assertion, look at your own doors. Look at your public schoolhouses, which, from year to year, send forth their hundreds of boys and girls, instructed in the elements of all that is indispensable, and of much that may be superfluous in education, forming a basis, on which they may build a fabric of

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moral and intellectual power, which no commotion can place in jeopardy, no revolution can overturn or destroy. Look at your infant schools, where woman —the first and best instructer of human ignorance, the first and last supporter of human weakness, the purest and noblest nourisher of human affections—waits and watches for the development of the yet unformed idea, and, from the instant of its birth, nurses it in tenderness, and trains it with holy fidelity, till it shall acquire strength and firmness, to be handed over to its ruder teacher, man. Cast your eyes back, only for a few days, and see your spacious Common, crowded with the beautiful, the innocent, the wondering, the inquiring young, whose intelligent eyes asked of every passer-by in that splendid pageantry which marked your centennial festival, "What mean ye by this service and these testimonies?" Look on these things, and ask yourselves if you do not perceive in them the workings of a restless, deathless spirit of Independence—the glimmering of an unquenchable spark of Patriotism, which a breath can raise to a flame—the consciousness of an indestructible and ever active mind, susceptible of all that is great and good, or elevated and honorable—an unearthly essence, which may be prepared for weal or wo—a blessing or a curse, to itself and to all surrounding existence.

Look abroad, too, over the face of your vast and almost illimitable continent, and behold multitudes, which no man can number, impatient of the slow process of education, wrestling with the powers of

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nature and the obstructions of accident, and, like the Patriarch, refusing to let go their hold till the day break and they receive the promised blessing and the recompense of the struggle. You will perceive, too, in the remotest corners where civilization has planted her standard, there the Press, the mightiest engine ever yet invented by the genius of man, is producing a moral revolution on a scale of grandeur and magnificence, unknown to all former generations. By it, information of every transaction of government and of all important occurrences in the four quarters of the world, is transmitted with a degree of speed and regularity, that the most sagacious could not have foreseen, nor the most enthusiastic have dared to hope for, fifty years ago. By the Press, every cottage is supplied with its newspaper and elementary books in the most useful sciences, and every cradle is supplied with tracts and toy-books to teach the infant to lisp lessons of wisdom and piety, long before his mind has power to conceive or firmness to retain their meaning. The power of this engine, in the moral and intellectual universe, is inconceivable. There is no ordinary operation of the physical elements to which its mighty influence can be compared. We can find only in the visions of the apocalyptic Saint a parallel to its tremendous action. Guided by truth and reason, like the sound of the seventh trumpet, it opens the temple of God in Heaven, and shows to the eye of the faithful and regenerated spirit, within the veil of that temple, in the presence-chamber of the Almighty, the ark of his testament.

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Controlled by falsehood and fraud, its force, like the opening of the sixth seal of the mystic volume, produces earthquakes, turns the sun to sackcloth and the moon to blood, moves every mountain and island out of their places, and causes even the heaven we hope for to depart as a scroll when it is rolled together.

But if the first illustration, which meets you whenever you open your eyes to what is going on in your immediate presence, be too common, and fail to convince from the mere circumstance of its familiarity, and if the second be too bold and fanciful, turn your eyes eastward, and let them rest upon disenthralled and regenerated France. The sound of her thanksgiving at the triumph of public spirit over mean and selfish despotism, swells in every gale, and floats on every Atlantic wave. The public spirit of a few determined Printers, aided by no other engine of warfare than the Press, has expelled a blind and misguided monarch from the throne of his ancestors, and driven his stultified ministry from the palace of its power. Yes—let it be repeated—the Press, acting on public opinion, sustaining, encouraging, and cultivating public spirit, has produced almost a bloodless revolution in one of the proudest kingdoms of the world. The prophetic voice of the people—in this case most emphatically the voice of God—proclaimed in tones of thunder to the besotted monarch —"Forasmuch as thou hast disobeyed the commandment, which the Lord thy God commanded thee, thy carcass shall not come into the sepulchre of thy

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fathers." Terrible as the volcano's burst, rapid as the progress of thought, the appalling denunciation is executed. The Lion came up from his thicket, the Avenger went forth from his place, to make the palaces of the proud desolate, to overturn the throne of the haughty, to set the people free, to open the prison-doors of the mind, and redeem it from the power of the oppressor. The fool of his own folly flies from the face of an insulted people; hissed from his throne, he becomes a vagabond in his native land —a mark of contempt and scorn to those, who were once his subjects—an object of aversion to his fellow-monarchs, without the poor consolation of their sympathy—a living, breathing body, but without the power of doing mischief, as he had before been without the willingness to do good. And men, as they pass, stop and gaze at the wonder—the Lion standing by, in appeased and silent dignity, content to have been the minister of Heaven's decree—

The Lion *preys* not upon carcasses.

But it is time to stay these wanderings of thought, and to put an end to these indefinite and almost intangible generalities. You, my friends, in obedience to whose call I am here, are aware that this has been one of the most prolific seasons in an age that is proverbially an age of orations. Public celebrations, of one kind or another, have followed each other in rapid succession, and the same newspaper, which tells of one that is past, tells also of one that is to come, till the public eye is almost weary of

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gazing at the show, and the public ear begins to sicken with the sound of the approaching procession. Orators and Poets have preceded me, admonishing the popular feeling, instructing the popular mind, and delighting the popular taste, and what could be expected of me, the last and least of the train? Happy those Orators and Bards—

> The abundant harvest, recompense divine,
> Repays their work—the gleanings only mine.

Would you, my brethren and associates, accomplish the object of your association? would you attain the end of your existence? would you possess the chief good? Remember your motto. *Be just, and fear not.* Love yourselves.

> To your own selves be true,
> And it must follow, as the night the day,
> You cannot then be false to any man.

Let this sacred maxim be written in golden capitals on the tablets of your memory. It is the dictate of religion, the sum of the moral law, the essence of patriotism. Reverence and practise it, and it will be a crown of abiding glory, when titles, wealth and honors shall be of no further use—for these must be laid aside when you pass the threshold of immortality.

Since the last celebration of this triennial festival, seventeen of our associates have deceased. Of these all, but three, participated with us in the festivities and congratulations of the day. Some of them had been with us, almost from the beginning of our insti-

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tution; some had been active and useful officers. Some were rich in years as well as in the respect and affection of their brethren; others were taken from us and their families in the noon of life, the meridian of manhood, full of hope and expectation, and promise of happiness to come. To offer a more ample and respectful tribute to their memories would be grateful to my feelings, but time will not permit the indulgence. Neither is there time for the solemn reflections, which present themselves to the mind, when we perceive so many of our friends and associates taken from our presence in the brief space of three years. They have passed—Peace to their souls—honor to their memories.

We, too, are passing away, though yet but pupils in the great school of Nature and Providence. We may build temples and tombs and monuments, whose duration, compared with the longest term of human life, may be counted long; the works of our hands may remain for centuries; but the designer and the builder, he who contrives and he who executes, he who labors and he who enjoys, "come like shadows, so depart." There is but one way, in which we can perpetuate our existence on the earth. The productions of mind are, in their consequences, eternal, and in those consequences we can secure immortality. The soul of the present age can live in the soul of all its successors. Our descendants can be quickened by the spirit of their fathers. We can leave behind us some memorial of virtuous principle, and we can carry with us, from this land of shadows to that

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realm where all is reality, the consciousness of having improved the talent, which our master has entrusted to our keeping; and we can carry with us, too, the hope that this delightful Paradise of our own and our fathers' creation, which shall bloom over our ashes, may continue to bloom, and brighten, and extend, for virtuous, happy, and improving posterity, till Time, no longer sustained on fluttering wing, shall sink in the ocean of Eternity.

Great Spirit, Deepest Love,
Who rulest and dost move
All things that live and are —
Whose woods, rocks, seas, surround us,
Whose heavens only bound us,
Whose lamp feeds every twilight wave with fire, —
Spirit of Beauty, at whose soft command,
The sunbeams and the showers thy gifts distil,
Come, with thine harmonizing ardors fill
And raise thy sons —
Be man's high hope and unextinct desire,
The instrument to work thy will divine!
Whatever, Spirit, from thy starry shrine,
Thou yieldest or withholdest, O let be
This city of thy worship ever free!

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THE MASSACHUSETTS

CHARITABLE MECHANIC ASSOCIATION

Was instituted in March, 1795; and incorporated, by Act of the Legislature of Massachusetts, in March, 1806.

Its funds are created chiefly by the admission fees of members, and the annual assessment of two dollars. The whole amount of the funds, now permanently invested, is $14,000.

On the decease of a member, his family are presented, by the Treasurer, with forty dollars. The annual average of beneficiaries, on the charity list, is thirty.

A School has been kept three months in each year, for several years past, for the instruction in reading, writing, and arithmetic, of the apprentices of members who are disposed to avail themselves of the privilege.

A course of Scientific Lectures is instituted, at which each member is admitted gratuitously, and is furnished with a transferable ticket for his friend, child, or apprentice. These lectures usually last from October to April. The lectures for the present season commenced on the second Monday in October, with an introductory by the Rev. Mr. FROTHINGHAM, and will be continued through the season by the following gentlemen:—Hon. E. EVERETT, Hon. A. H. EVERETT, Hon. WM. SULLIVAN, and Drs. FLINT, GRIGG, PARK, ROBBINS, SMITH, STORER, and WARREN.

Officers of the Association for the present Year.

DANIEL MESSINGER, *President.*
JOSEPH T. BUCKINGHAM, *Vice-President.*
JOHN COTTON, *Treasurer.*
JOSEPH LEWIS, *Secretary.*

TRUSTEES.

ABRAHAM CALL,
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1857. May. 6.

Gift of

Jos. T. Buckingham

SENATE.....No. 85.

Commonwealth of Massachusetts. — General court.

In Senate, March 14, 1848.

The Joint Standing Committee on Agriculture, to which was referred an order of the House of Representatives, of January 29th, 1848, instructing them to inquire into the expediency of making provision for the establishment of a State Agricultural School, or of providing for the maintenance of an agricultural department, in connection with one or more of the existing colleges of the Commonwealth; *also*, the petition of the Hampshire, Hampden, and Franklin Agricultural Society, for the endowment of an institution in the valley of Connecticut River, for instruction in the various departments of agricultural science; *also*, the petition of Aaron Ashley and others, representing the Hampden Agricultural Society, praying for the establishing of an Agricultural School in the interior of the Commonwealth; have given ample consideration to the subject embraced in these several papers, and ask leave to submit the accompanying

REPORT:

The project of establishing an agricultural school has, for many years, engaged much of the public attention, and the committee believe that the time approaches, if it have not actu-

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ally arrived, when the legislature may, with propriety, look upon it with favor, as a subject in which the honor and prosperity of the Commonwealth are involved. They have, therefore, found no difficulty in coming to the conclusion, that an institution should be founded forthwith, where agriculture may be taught as a science and practised as an art; where new theories may be investigated and subjected to the test of experiment; and where principles, which have already received the sanction of successful practice, may be further inculcated and confirmed.

By a long and uniform course of legislation, the legislature has recognized and established the principle, that it is its duty to provide the means of education for all classes of the people; and our statute books abound with evidences of its parental willingness to carry out the principle to the fullest extent of its means. It is true, however, that, while the common schools for teaching the rudiments of knowledge, preparatory for the introduction of pupils to higher seminaries, to the counting-room of the merchant or the workshop of the mechanic, no provision has yet been made for instruction in that art, without the successful practice of which a civilized community could not exist.

Agriculture is the great interest of the Commonwealth; more capital is invested in it than in any other branch of industry; it employs more labor than any other. It produces the raw material for the exercise of most other professions, and the articles of subsistence for those employed in all other callings. It has been recently stated, in an official document, that three millions seven hundred and twenty thousand men of the United States are employed in agriculture. Comparing this number with the number of those occupied in manufactures, commerce, ocean navigation, internal navigation, and the learned professions, it appears that farming occupies about three and a half times as many men as all the others; and what is true of the United States, in the aggregate, is unquestionably true, in relation to Massachusetts alone. It may then be reasonably supposed, that three fourths of the whole population of the state are occupied in agricultural operations. No one can deny that,

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if this large portion of the population ask the aid of the legislature to found an institution for the promotion of agricultural science, that aid should be cheerfully granted.

A popular writer in our neighboring state of New York, says, "There is an idea quite prevalent among men, that the business or pursuit of farming requires little else but physical strength, powers of endurance, and capacity to labor; that it is a business of the hands and sinews, and not of the head or heart; that any dolt can plough, and sow, and reap." Whether such an idea *ever* prevailed among the yeomanry of Massachusetts, the committee will not undertake to say; but they will not so slander the present generation as to imagine that it would be guilty of entertaining a notion so preposterous, so degrading and dishonorable. We know that the mass of those who, from choice or otherwise, follow the calling of the husbandman, are anxious to be supplied with all practicable facilities for obtaining the knowledge that will enable them to develop the resources of the earth, and to enjoy all the fruits that intelligent and scientific labor is capable of producing. And they appeal to the wisdom and liberality of the legislature to aid them in their efforts to institute a school, where agriculture, in its most extended sense, with all its kindred arts and sciences, may be taught, practically and experimentally, on a farm devoted entirely to that purpose, and without any connection with any existing academy or college in which a classical education is the prominent purpose of instruction.

It is not necessary, nor is it even desirable, that the farmers should possess *all* knowledge, or be able to expound *all* mysteries; but it is desirable that they should be taught the elements of some of the physical sciences. It is necessary that they should be familiar with the principles of chemistry, the constituent parts of earth and water, and the properties and effects of the atmosphere. They should be well informed in the principles of the anatomy of the human body and of the inferior animals. A knowledge of botany and vegetable physiology is a valuable accomplishment, for it is by that knowledge that the operations of grafting, of inoculating or budding, of pruning, of transplanting, (curious and pleasing experiments in natural

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philosophy,) become useful and profitable to the husbandman. In short, there is no branch of learning that may not be rendered useful in his calling. Surely, no one can be the worse farmer for knowing how an eclipse of the sun and the changes of the moon are calculated, or how a ship may be navigated on the ocean. It can do him no injury to know how to analyze and compound earths and minerals; to erect the houses and other buildings necessary for the comfort of himself and his domestic animals; to be able to tell his children how railroads, aqueducts, and canals are constructed.

The committee are not so visionary and enthusiastic as to suppose that every one, who may wish to avail himself of the advantages of an agricultural school, will be ambitious to distinguish himself as a scholar in all the studies here mentioned; but they are of opinion that such provision should be made as will enable every one, who wishes it, to obtain instruction in all that is required to sustain the character of an enli htened, honorable, and accomplished farmer.

It is believed that very many of the farms in Massachusetts might be rendered capable of doubling or trebling their ordinary products, and this can only be brought about by the application of science as well as labor. If a knowledge of the true theory of cultivation will enable a farmer to reap from one acre as much as he has hitherto obtained from two or three, he could claim but little credit for economy if he should reject such knowledge, or so obstinately persist in old habits as to look upon all suggestions of improvement as dangerous or useless innovations. Yet it is feared there are some who are indifferent to the light that science is shedding around them, and entertain an unaccountable affection for exploded theories and unprofitable practices—neglecting all labor that tends to meliorate the condition and qualities of the soil, and despising all admonition that does not correspond to tradition or the notions derived from imperfect education.

The soil of Massachusetts, in its natural state, presents rather a forbidding aspect, and, when compared with the prolific prairies of the West, affords but a discouraging prospect to one who loves ease better than labor, and is willing to sacrifice

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the enjoyment of our "peculiar institutions" to the more rapid accumulation of riches. But industry and perseverance, guided by science and knowledge, can convert rocky pastures to productive cornfields, and bogs and quagmires to luxuriant meadows; for this has been done, and the experiment may be repeated with the certainty of success. In fact, an intelligent and enterprising farmer may make the soil of his farm just what he chooses to have it. It should be the policy of the state to prevent the emigration of its native citizens, at least, until the population has approached much nearer to the number which its agriculture and other industrial operations can support. And, what better mode can be devised to secure this result, than to provide all proper facilities for improvement in the arts of life, and to render our Commonwealth the home of useful learning and intelligence; the scene of exuberant plenty; the abode of all that can meliorate, improve, adorn, and exalt the condition of man?

A successful pursuit of the studies, to which reference has been made, can have no other than a benign influence on the public as well as on those who may engage in them. There may not be a large number of adults in the Commonwealth, destitute of the knowledge to be obtained in our common schools; but there are some, and, owing to unavoidable circumstances, there always will be some, to whom the advantages of common-school education are not accessible; some, who have not the knowledge of any art or trade by which they can obtain a respectable livelihood. It appears to the committee that an agricultural school, like that now under consideration, would be a most efficient means of preparing this description of persons for activity and usefulness as members of the body politic, and for rendering them happy and contented in whatever position they may be placed. To enable them to acquire an education, suitable and sufficient for that purpose, would be an act of patriotism and humanity that can never be regretted. The greatest foe to our republican government, and to our civil and political institutions, is ignorance. It is indispensable to the security of that government and those institutions, that this mighty and fearful enemy should be banished from the land.

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All, who participate in the prerogatives and liabilities of freemen, should be taught the worth of their privilege, and that personal independence, sustained by industry, frugality, and temperance, is one of the greatest blessings of life. It is a common saying—but none the less true for its want of novelty—that sleepless vigilance is the price of liberty. Let it never be forgotten, that it was while the husbandman slept that the enemy sowed tares among his wheat. Let it not be believed, that political distinction and enormous wealth are the only objects worthy of human pursuit or the only ingredients in the happiness of life. Let a spirit of personal virtue be encouraged in the rising race. Let them be taught to seek and to find resources in themselves, in an honest independence, in the possession of knowledge, in conscious integrity, in manliness of sentiment, in every thing which adds vigor to the understanding and expansion to the mind; in every thing which teaches them to deem all honors disgraceful, and all emoluments despicable, which are obtained by a base and abject servility, or "a dastardly desertion from the upright standard of truth, and the unspotted banner of justice."

Deeply sensible of the views herein expressed, and earnestly hoping that the legislature may deem them worthy of consideration, the committee recommend the passage of the bill and resolve, herewith presented.

By direction of the committee,

JOS. T. BUCKINGHAM, *Chairman.*

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Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Forty-Eight.

AN ACT

To establish the Massachusetts Agricultural Institute.

BE *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

1 SECT. 1. Edward Hitchcock, William B. Calhoun,
2 Samuel L. Hinckley, their associates and successors,
3 are hereby made a corporation, by the name of the
4 Massachusetts Agricultural Institute, with all the
5 powers and privileges, and subject to all the duties,
6 liabilities, and restrictions, contained in the forty-
7 fourth chapter of the Revised Statutes.

1 SECT. 2. The said corporation may hold real and
2 personal estate, to the amount of fifty thousand dol-
3 lars, for the purpose of establishing, in some one of
4 the towns lying on the banks of the Connecticut
5 River, or in a town immediately adjoining such towns,
6 an agricultural school and experimental farm, the ob-

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7 ject of which shall be instruction in agricultural
8 science, and improvements in all the arts connected
9 with the practice of farming.

1 SECT. 3. The management of the affairs of said
2 corporation shall be entrusted to a board of seven
3 trustees, five of which shall be elected by the corpo-
4 ration, and the other two shall be appointed by the
5 governor and council.

1 SECT. 4. Said corporation shall annually, in the
2 month of January, make to the legislature a report
3 of its progress, the number of its pupils, the condi-
4 tion of its finances, the general course of instruction
5 adopted and pursued, and the results of its agricul-
6 tural experiments.

1 SECT. 5. This act shall take effect from and after
2 its passage.

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Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Forty-Eight.

RESOLVE

In favor of the Massachusetts Agricultural Institute.

Resolved, That whenever it shall be made to appear to His Excellency the Governor, that the Trustees of the Massachusetts Agricultural Institute have obtained, for the purposes of said Institute, subscriptions, in cash or real estate, amounting to the sum of fifteen thousand dollars, there shall be paid to the said Trustees, from the treasury of the Commonwealth, the sum of five thousand dollars. At the end of twelve months from the time of that payment, another sum of five thousand dollars; and at the end of twenty-four months from the date of said first payment, another sum of five thousand dollars; said sums to be used only for the purpose of carrying on experimental farming and instruction in the arts and sciences connected therewith. And the Governor is hereby authorized to draw his warrants accordingly.

Provided, That if, at any time within ten years from the time of the first payment, as above provided, the said corporation shall discontinue its operations as an Agricultural School agreeably to the intent of its act of incorporation, so much of the real and personal estate of said corporation as shall be sufficient to produce the amount paid from the treasury in its favor shall become the property of the Commonwealth, and be appropriated to the repayment of the said sum.

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(5) 1857. May. 6.
Gift of
Jas T. Buckingham

SENATE—No. 16.

Commonwealth of Massachusetts. — General Court.

In Senate, January 13, 1848.

Ordered, That so much of the Governor's Address as relates to the existing war between the United States and Mexico, be referred to Messrs. Buckingham and Foster, with such as the House may join.

Sent down for concurrence.

CHAS. CALHOUN, *Clerk.*

House of Representatives, January 14, 1848.

Concurred—and Messrs. Giles, of Boston,
Stevens, of Andover,
Kendall, of Townsend,
Hubbard, of Sunderland, and
Peck, of Mendon, are joined.

CHARLES W. STOREY, *Clerk.*

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Commonwealth of Massachusetts.

The Select Joint Committee, to whom was referred so much of the Governor's Address, at the opening of the present session of the Legislature, as relates to the war in Mexico, ask leave to present the following

REPORT.

In preparing a suitable response to the sentiments expressed by His Excellency, the committee would have felt no hesitation in exhibiting to the legislature, to their constituents, and to the world, in the fullest and most emphatic manner, their views of the war, in relation especially to its origin, its avowed or supposed purposes, the mode in which it has been prosecuted, and its apprehended consequences, social, moral, and political, to the people of the United States. But, inasmuch as these points have been most fully and ably discussed in the legislative halls of Congress, and of several states of the Union; in those influential and widely circulated vehicles of intelligence and speculation, the newspapers; and in the reports of committees heretofore appointed by our last legislature; it might seem to be a work of supererogation to persist in the discussion of topics that have already undergone thorough and laborious examination by men of the profoundest intellect, and which, having awakened the spirit of inquiry among the people, have received the vehement approval and support, or the sentence of indignant and immitigable condemnation, from almost every member of the community. It would seem, therefore, to be entirely unnecessary, if not impertinent, on this occasion, to dwell upon the annexation of Texas to our Union,—solemnly declared by the legislature, in its resolves passed the 26th day of April, 1847,

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to have been a paramount cause of the war,—or, to recapitulate the long catalogue of grievances alleged at various times, by the President of the United States, to be a sufficient justification of its commencement and vigorous prosecution. The committee propose to embody their sentiments, briefly, in general remarks, alluding only incidentally to some of the topics above mentioned, by way of illustration.

That *all* wars, of whatever nature, are to be deplored as national calamities,—impoverishing the public treasury, defeating the promise of industrious enterprise, diminishing the substance of the laboring classes, wasting human life, and carrying misery and desolation to the homes of thousands, that would otherwise be happy; that they are productive only of evil to the body politic, by depressing the standard of morals, encouraging a pernicious passion for military glory, extinguishing the higher sympathies of human nature, and creating a thirst for the enjoyment, by conquest, of something which cannot be obtained by milder methods,—are propositions which, it is presumed, few or none will have the hardihood to deny. It is an alarming evidence of the existence of a spirit of despotism, when rulers are eager to rush into war. It is a proof that force has usurped the prerogative of reason, when the sword is employed to settle misunderstandings, and the cannon to reconcile differences of opinion.

An *offensive* war is a war of aggression; and whatever may have been the popular sentiment in the age of chivalry, or even in days not far remote from the recollection of the present generation, a war of aggression is not in accordance with the spirit of the present age. A nation which commences such a war, for the purpose of acquiring territory, or obtaining privileges rightfully in the possession of another nation, assumes a fearful responsibility; and the committee are unable to perceive that the *moral* character of an action undergoes any essential change, whether it be the act of an individual or a nation; nor do they perceive how magistrates and legislators, when they carry on wars of aggression, can be absolved from the guilt, or escape the moral retribution that awaits the individual perpetrator of a similar crime.

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A *defensive* war is of a different character. Far be it from the committee to denounce as unjustifiable a war to repel invasion, or to obtain or secure an unquestionable right. No moral obligation requires a nation or an individual to submit to spoliation, oppression, or violence, without resistance. Neither nature nor religion, neither reason nor instinct, prohibits a resort to force for purposes of self-defence,—to protect our country, our homes, and our kindred,—or to secure that freedom and independence which are the rightful property of every human being.

Is the war, in which our country is now engaged with Mexico, a war of *defence*, or is it a war of *aggression?*

The solution of this problem may be obtained by reference to facts. The committee would not assail, with language severe or disrespectful, the acts or declarations of the Chief Magistrate of the Union; but it is a fact, too notorious to be kept out of sight in this report, that the causes he has assigned for the commencement and prosecution of hostilities on the acknowledged territory of Mexico, have been shown to be groundless or frivolous. This was elaborately demonstrated in the paper accompanying the resolutions adopted by our predecessors in 1847, and to which the committee have before alluded. On the present occasion, it is deemed necessary only to reaffirm the facts, and adopt the conclusions, so ably and irrefutably set forth in that document.

Passing over the alleged *causes for beginning* the war, it will be observed that the President proposes to *continue* it, to obtain indemnification for all the expenses incurred by our government in its prosecution. The committee are of opinion that this motive cannot be justified, on any principle hitherto admitted in any acknowledged code of national ethics. They are aware that what is called the law of nations is of a nature so elastic and flexible, that the Strong may always find in it an apology for preying upon the Weak; but it is believed that history furnishes no example to illustrate the principle involved in this claim for indemnification, from Mexico, for the blood and treasure it has cost us to invade her territory, to take possession of her sea-ports, to batter down her castles, to burn her towns, to

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butcher her people, and to convert her fruitful fields and smiling villages into scenes of mourning, desolation, and wo. The committee have found no language sufficiently expressive of their detestation of this novel doctrine; and, had it not been promulgated more than once from the highest authority in the nation, they would suppose it to have been presented in derision of all the avowed causes of the war.

One of the purposes declared by the President for pushing on the war with relentless vigor is "*to conquer a peace!*" The absurdity of the phrase is palpable, and is paralleled by nothing but the atrocious inhumanity of the sentiment. In the ordinary acceptation of the words, "to conquer a peace," would be to carry on eternal warfare, to banish peace from the earth, and to establish the reign of perpetual, unappeasable discord. Peace has already been conquered in Mexico, and expelled from her territory. Miserably poor and feeble, she has not the power to repel aggression. Submission is all that is left her; but, submission is not peace; or, if the cessation of active resistance, when the capacity to resist no longer remains, should be called by that holy name, it is such a peace as exists between the parties, when the lamb ceases to struggle under the paw of the lion—when the dove has done fluttering in the grasp of the vulture. That it is such a peace which our government proposes to make with Mexico, there is some cause to apprehend if there be not too much evidence to admit of doubt or disbelief.

Neither can the committee doubt or disbelieve that it is the intention of the authors of the war, and of those who are in favor of continuing it, to pursue the career of conquest for the acquisition of territory, and to acquire territory whereon to extend, establish, and perpetuate the institution of slavery. This has been denied by some, but by others has been openly and frankly avowed; and the general tone of the press, throughout that region where the institution already exists and is cherished as one of the vital elements of social happiness and prosperity, but too plainly indicates that the current of popular sentiment flows in that direction. The acquisition of territory for such a purpose, the committee are confident, is a project that can never find favor with the majority of the people of Massachusetts. They will

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not avail themselves of this occasion to descant on the immoral effects of slavery; its grievous injustice to those who are condemned to wear its fetters; its infringement of the precepts of the Christian religion, or its cruel violation of the plainest dictates of humanity. These views of slavery and its effects, they leave to be discussed by others, on occasions more pertinent to their consideration, and ask the attention of the legislature only to the political consequences of the extension of slavery over an immense region, which, at no very remote period, may be annexed to the United States, so divided and arranged as to form as many states as now compose our Union, each equal in extent of territory, and eventually in population, to this Commonwealth. Should such an event take place,—and the children may be already born who may witness its occurrence,—the free states can no longer be called *free;*—a large majority of the senators in Congress, if not of the representatives, will be slaveholders, able and willing to enact such laws, and to provide such executioners of their laws, as would secure and perpetuate the enjoyment of their favorite "peculiar institution," and to impose on the free states restrictions on commercial and social intercourse—perhaps on political relations, on legislation and jurisprudence—to which no remedy could be applied but dissolution of the Union. In this view of the subject, without extending their remarks to the naked question of "no more territory," the committee, feeling the deep responsibility of their position, believe it to be the solemn duty of this Legislature,—in the name of our sainted fathers, who promulgated the self-evident truth, that all men are *created* equal, and endowed with the inalienable right of life, liberty and property—in the name of the sages who composed our own venerated bill of rights, which affirms that all men are *born* free and equal, and entitled to the enjoyment of life, liberty and property—in the awful and sacred name of Jehovah, who has declared that he made of one blood all the nations that dwell on the face of the earth,—to protest against the institution of slavery on a single inch of territory that may, hereafter, in any manner be acquired, and annexed to these United States.

And the committee deem it the duty of the Legislature fur-

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ther to protest against the continued prosecution of this war. In the name of justice, which is one of the highest attributes of the Almighty; in the name of JESUS CHRIST, who was emphatically the messenger of peace, and who has directed us to do unto others as we would that others should do unto us; in the name of the people of Massachusetts, who are unwilling that innocent blood should defile their garments,—we protest against the further perpetration of a great national crime. We call upon the Congress of the United States to interpose its authority to stop the further expenditure of treasure and blood for purposes of aggression, and to seek, by the exercise of justice, humanity, and magnanimity, that solid peace between two neighbor republics, which Christianity and the spirit of the age demand, and which will be a source of truer glory than any acquisition of treasure or territory that can result from the present bloody and unnatural contest.

And, in conclusion, we call upon our Senators and Representatives in Congress, to avail themselves of every proper occasion to present to that body a solemn and decided declaration of opposition to the war and the extension of slavery, and to do all in their power to maintain the principles herein expressed.

Respectfully submitted,

By direction of the committee,

JOS. T. BUCKINGHAM,
Chairman.

SENATE CHAMBER, *Jan.* 26, 1848.

The undersigned dissents.

JOEL KENDALL.

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J T Buckingham

BOOK FOR THE TIMES.

OR A

LETTER TO EVERY-BODY:

BEING AN ADDRESS

TO THE

NATIVE AMERICANS OF NEW ENGLAND.

TOGETHER WITH THEIR

DECLARATION AND PRINCIPLES.

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AN ADDRESS

TO NATIVE AMERICANS,

BY J. T. BUCKINGHAM, ESQ.

TOGETHER WITH THE

DECLARATION AND PRINCIPLES

OF THE

NATIVE AMERICANS OF BOSTON.

SECOND EDITION.

BOSTON:
PUBLISHED BY H. B. SKINNER.

1844.

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1850 May 16
Gift of J. C. Rawson, of Boston

TO THE READER.

The following address is from the pen of Mr. Joseph T. Buckingham, Editor of the Boston Courier, and was addressed to the Native American voters of New York, just prior to the recent election. At the suggestion of several individuals, whose opinions are entitled to esteem, the publisher has been induced to embody it, with the Declaration of Sentiments of the Native Americans of Boston, in the present form.

Both articles will be found valuable for future reference, and should be in the hands of every American who loves and cherishes the institutions of his country.

Let us work while we may, lest, when we are dead, our children *live* only to be SLAVES.

H. B. S.

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BUCKINGHAM'S ADDRESS.

FRIENDS AND COUNTRYMEN!

Permit one of the humblest of your fellow-citizens to address to you a word of sympathy and a word of encouragement. Six months ago, the intelligence of your organization as a party distinct from all the other parties, which attempt to control our elections, was promulgated, and the result of your exertions to redeem your empire city from the insulting domination of factious foreigners and domestic demagogues, sounded to my ear, like the song of the ransomed from the slavery of spiritual despotism. The success which followed your distinct organization,—the election of the patriotic Harper to the office of chief magistrate of the noblest city of the Western continent—the first fruits of your glorious resolution and firmness,—if it were not an *evidence* that your cause was right, it was an indication that a spirit was awakened, which would go on conquering and to conquer, until they, whose natural right it is to rule the destinies of this nation, should resume the right, and reclaim the prerogative they have imprudently relinquished. Too long, fellow-citizens, too long has this nation suffered its sympathies for oppressed humanity in Europe to predominate over its perception of its own true interest. In its amiable and godlike disposition to yield a refuge for the starving poverty and the down-trodden virtue of Great

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Britain, France and Germany, it has forgotten to exercise that charity which begins at home, and the prudence whose primary dictate is self-preservation. In the plenitude of that generosity, which has induced us to feed the hungry, and clothe the naked, and offer an asylum to the sufferers in the cause of freedom of speech and thought, we have warmed into life the torpid viper and the fanged adder, that already begin to show their teeth, and to spit their venom upon our dear and blood-bought privileges; our sacred and most cherished institutions. Already the foreigners, whom tyranny has driven, or kindness attracted to our shores, attempt to control our legislators, to nominate our magistrates, and to browbeat our voters at the ballot-box; and if any of them are too diffident or too ignorant to talk to us in the tone of defiance and domination, they sell their votes to the more enlightened and crafty demagogue, and perjure their souls at the command of profligate leaders.

Fellow-citizens! it is time that we should begin to think and to feel like men who have some regard for liberty—for the liberty of electing our own rulers—for the liberty of enacting the laws by which we wish to be governed; for the liberty of protecting our schools, our religious societies, our schoolmasters and our Christian ministers, against the impudent lampoons and the arrogant claims of the subjects of foreign princes and potentates, who, if they have the sagacity to perceive the absurdity and wickedness of their pretensions, have not the honesty nor the manliness to admit the inevitable consequence of their conduct. You, fellow-citizens of New-York, and your fellow-laborers of Philadelphia, have taken a glorious stand. I solemnly believe you are destined to be the pioneers in the redemption of this country from an intellectual and spiritual thraldom, ten

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thousand times more galling to the man who has been educated in the true principles of human freedom, than the tyranny from which our revolutionary war delivered us. Go on, fellow-citizens, in the path on which you have entered. Turn not to the right hand nor to the left. Falter not, nor stay in your course, till by a change in the laws concerning naturalization, you shall have secured to yourselves and your children the right to govern yourselves by magistrates of your choice, uncontrolled by foreign interference, or by foreign aid, purchased by the hungry office-hunter, or the unprincipled demagogue. Be resolute and firm, but be magnanimous and generous. Trespass upon no right that has been acquired under the operation of law. Deprive no immigrant of a tittle of right, which he may have legally obtained; but take care that future immigrants shall enjoy no privilege that you deny to your own children. Encourage them by the exercise of generosity and justice. Give to them freely all the advantages which your children enjoy; pay them liberally for their labor; help them to acquire property by enterprize and industry; and when, like your children, they have lived with you and amongst you *twenty-one* years, let them exercise your common privilege of admission to the ballot-boxes.

Native Americans! Justice to yourselves and your duty to posterity demands this of you. If, in the honorable career in which you have started, you loiter or stop, you are unfaithful to your country. If you go backward a single step, the cause is lost; and, in fifty years, these United States may envy the moral, civil, and political condition of Italy, Spain, and Portugal.

I am aware that this language will subject me to reproach and vituperation. I need not to be told that politicians, who employ foreign instruments to effect their

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purposes, will also employ the bow-string and the faggot to stifle the utterance of American sentiment and American feeling. They may affect to despise a Native American party, and to sneer at all attempts to encourage and sustain it; but no one must expect to find a refuge from their wrath in the want of wealth, influence, or notoriety. We must be prepared to encounter bribery and corruption, reproach and calumny, neglect and persecution. But who could endure all these, ay, or suffer martyrdom in a better cause?

We have every inducement of sympathy and interest to organize a party as Native Americans; excluding none of foreign origin, who are already assimilated with us; who have become homogeneous by a suitable term of residence, and by participation of the same principles with us. The name of AMERICAN belongs to us, and it belongs to none who do not feel pride in its appropriation. Our affections concentrate around it, and every attempt to apply it to immigrants, just escaped from the monarchical and aristocratic governments of Europe, whether brought to our shores by motives mercenary or humane, is an invasion of our birthright, that should be repelled with indignant firmness.

The honest, the independent, the thinking part of the community must be justly alarmed, when they see men, who aspire to the first places in the gift of the people, courting the votes of those who are strangers to the principles of our government, and whose suffrages can be obtained by bribery, more or less directly exercised, according to circumstances, and the intellectual or moral capacity of the subject of the operation. But, as republics must always be cursed with demagogues, the surest way to defeat their schemes, is to deprive them of the instruments by which they work—*the tools of their*

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trade. The safety of our government, and the quiet of the people, demand that those, whose prerogative it is to elect the officers of the government, should be instructed in the principles of national liberty, and enlightened on subjects of national policy. It is not to be expected that the persons composing the largest portion of foreign immigrants come to us with an intuitive knowledge of the nature of our republican institutions. They have not inhaled the atmosphere of liberty. It is too pure for lungs that have breathed only the putrid and deadly air of the despotic governments from which they have fled. Why should they be permitted to contaminate our healthy democratic climate, and destroy the vital salubrity of our republican atmosphere? Shall they not rather be subjected to the kindly influence of a recuperative process, till they become true Democrats and Republicans; or, in one word, AMERICANS? They are entitled to our sympathy; many of them may challenge our respect; others are to be pitied and supported. Let all be borne with while they abstain from insulting our native citizens; and let them know distinctly, that abusing our best and wisest men, and calumniating the characters of our fathers, gives them no claim to our respect or commiseration. Let no one charge us with an attempt to create a division between native and adopted citizens. Those adopted citizens and the unprincipled politicians, whom they follow, have already drawn the line of separation. They are called upon by the leading Democratic paper of the country to organize *as* Irishmen, Germans, Swiss, and Frenchmen, and to form a *party of foreigners*—as if they had interests entirely separate from those of the people who were born on the soil of the country. When such appeals are put forth, to awaken the jealousy and foment the passions of large masses of people, who have

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No. 60 WASHINGTON STREET.
1852.

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hardly acquired an interest in the ground on which they tread, and who feel no respect for the opinions, nor no desire to adopt the customs and habits of the people whose privileges they come to share, it is for us to consult upon measures of protection, on that side of the line where their own folly has placed us.

NATIVE AMERICANS! Your cause is just—your purpose patriotic. May the God of nations crown it with glory and success! And what so poor a man—as he who writes these lines—can do to help it onward, God willing, shall not be wanting.

DECLARATION

OF THE

AMERICAN REPUBLICANS OF BOSTON.

When in the course of human events it becomes necessary for a people to adopt measures of just precaution against the hostile encroachments of Foreign emisaries, and for the preservation of their liberties, a decent respect to the opinions of the world, requires that they should declare the causes which impel them to such measures.

Prudence will dictate that relations long established and a course of government and of laws found beneficial in their operation, should not be changed for light and trancient causes. But when a long course of domestic abuses are found operating against the good order and the permanence of our institutions, and when these abuses are created and promoted by the agents of Foreign

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governments that have publicly declared their hostility to our form of government, and evince their determination to undermine, by fraud, a Republic which they cannot destroy by force; when an extensive combination of Foreign operators are found disseminating themselves over this land with designs upon that vital power—the Ballot box; which in this country, is the just source and origin of all power; when we witness that Foreign combination, under the admittted sanction of our laws, forming an organized army of voters, under the absolute control of leaders who are themselves the sworn subjects of a foreign prince; when we see powerful combination marshalled around our polls, under the guidance of leaders, who are acting under the obligations of oaths, which they dare not disobey and by which they are solemnly bound to execute the commands and decrees of a Foreign Prince; and when that Foreign power whom they have sworn to obey, has publicly denounced "the liberty of the press," the "liberty of conscience," and the "separation of Church and State," as the greatest curses that can befall a nation; when that Foreign Prince, the Pope of Rome, in the exercise of powers more despotic than is exercised by any monarch, inasmuch as its claim to divine origin gives it a pre-eminence over the entire will and mind which is claimed by and can be yielded to no other person; when we behold these well-grounded apprehensions of a design to take from us the liberties bequeathed us by our Fathers, and to reduce us under an absolute despotism, more galling, because more degrading, than that from which our Fathers redeemed us by their patriot blood, we declare it to be our right, as it is our duty, to urge upon the people of the United States of North America, such an alteration in the laws as shall provide new guards for their future security. The history of the

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Papal power, is a history of human oppression, of human degradation, and of human suffering. The nature of the design and plans of operation against the people and institutions of this country so far as they have been suffered to be publicly developed, are most repulsive, all having in direct object the establishment of an absolute religious and political tyranny over these States. To prove this, let facts be submitted to a candid world.

He has established in Austria and in other European Monarchies, societies for the avowed object of creating missions in the United States, to counteract the "pestilential errors of this offensive Republic."

He has sent to the United States large numbers of Jesuits, to interfere with our institutions; reviving that most infamous order for the especial purpose of undermining our government, notwithstanding the crimes of Jesuits against the peace and order of all governments were such, that they were expelled by the French Parliament, by Spain, Portugal, and twenty-nine governments in succession, a universal sentence of execration which was sanctioned by Pope Clement XIV., by whom they were suppressed. This unprincipled, immoral and treacherous order is now created and sent among us, with foreign gold to carry out the systematic schemes devised by foreign heads against the liberties of this republic.

He has permitted, in the neighboring States of Mexico and Equador, new constitutions to be formed, by which the Roman religion of the pope, is, by law, established, as the only religion, to the exclusion of all others, thus giving a practical proof of the still unchangeable bigotry and intolerance of Popery.

He has sent bishops among us to interfere with our systems of education; who, under plausible pretences, have attempted to suppress the privilege of reading such

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books as American citizens have learned to love, and have already commenced the introduction of image-worhip, by distributing, in schools, among little children, graven images and "brass saviours," instead of the Saviour of the Bible.

He has permitted his emisaries to make a commencement of his union of Church and State, by arraying his followers at the ballot-box, under the "Banner of the Cross," and has suffered his sworn bishops to organize political factions, and inflame their passions by political partizan appeals.

He has imposed unsocial and anti-republican restrictions upon the minds and consciences of his followers; prohibiting such intercourse with our citizens as is essential to a right understanding of the difference between the institutions of the country into which they have been sent, and the foreign institutions under which their habits, opinions and principles have been formed, thus establishing a barrier against the Foreign emigrant's uniting in that common bond of good citizen and fellowship, which is essential to their own interests and to the safety of our common country.

He has sent among us Bishops who have publicly proclaimed their ability to prevent the outrages, riots, and destruction which his followers are thus admitted to be capable of perpetrating.

He has sent among us Bishops who have failed to prevent that violence of his adherents which has already resulted in scenes of bloodshed and massacre that have appalled the country, filling it with profound apprehension and alarm.

His Bishops and adherents have denounced the solemn verdict of a Grand Jury of the country, thus degrading our laws and imputing perjury to men who cannot avail

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cans of the City of Boston, do hereby pledge ourselves to our brethren throughout this commonwealth and throughout the country, to unite with them in procuring such change in our Naturalization Laws as shall best maintain the liberties and the rights which were bequeathed to us by the glorious martyrs of the revolution. They, our Fathers, relying on the justice of their cause, and appealing to the SUPREME JUDGE of the world for the rectitude of their intentions, secured for us the rich inheritance of civil and religious liberty which we now enjoy, and which we are bound to maintain, by every principle of gratitude, justice, and patriotism.

PRINCIPLES

OF

AMERICAN REPUBLICANS.

1st. We believe that the Patriots of the Revolution, who achieved the Independence of these United States, and the framers of the Constitution of the Federal Government intended that their descendants should make their own laws, and rule themselves, when they had become sufficiently numerous to defend themselves, and qualified to govern themselves, without admitting foreigners to the right of exercising the elective franchise.

2d. That it is absolutely necessary that immediate amendments should be made in the existing Naturalization Laws; such as would preclude all foreigners, who may arrive in this country after the passage of the proposed amendments, from the right of voting or partici-

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pating in any political affairs, until they shall have resided in the United States twenty-one years from the time of having given legal notice of their intentions of becoming American citizens, and having taken a sincere oath of abjurgation of all allegiance to the government from which they have come, and from all other foreign powers; and from the right of holding any office of trust, honor, or emolument, under the national, state, or local governments forever, we guaranteeing to them the security and the rights of property, and all the means of peace and safety with ourselves, until they do become legal voters.

3d. That every naturalized citizen is, in every respect, entitled to all the rights and privileges of a native born citizen; and that there is no law, nor any power in the Constitution to make a law, which can deprive naturalized citizens of any right or privilege legally belonging to the native born citizen.

4th. That a *foreign born man* can be as happy and enjoy the freedom and blessings which we enjoy, by being a *subject* to our government, without being a *ruler* over our *native born people;* yet to show the world that we are not ungenerous and illiberal, we hold that every *unnaturalized* foreigner and alien who is now in this country, *or may arrive on our shores* prior to the passage of the proposed amendment, should be invested with citizenship, and the right of voting.

5th. That American Republicans possess no unfriendly feelings towards our naturalized citizens, as such, with whom many of our countrymen are intimately connected by ties of friendship and consanguinity; and that they have no desire to interfere with their *religious* faith—our sole object being to secure more firmly to them and their posterity, to ourselves and our posterity,

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those inestimable blessings for which we are indebted, under Heaven, to the wisdom, perseverance, and freely-shed blood of the illustrious founders of this mighty and yet free republic.

6th. That it is the indefeasible right of both native-born and naturalized citizens, to assemble together in a peaceable manner, to express their opinions upon any legal subject, without molestation or fear from native-born citizens, naturalized citizens, or aliens; and that American Republicans have no right to interfere directly with the numerous associations of foreign-born men, who are banded together for the purpose of holding meetings, and giving countenance and pecuniary aid to the subjects of a foreign government, in peace with us, for the avowed object of inciting insurrection and rebellion; yet, as a due regard and faithful observance of solemn treaties made between Independent States, are required from our people and Government, we discountenance all foreign associations of any kind, and pledge ourselves to petition proper authorities to annihilate all associations having for their object foreign and anti-republican influences in this country, and interference with the governments of foreign countries.

7th. That the Holy Bible, without note or comment, should be used in all seminaries of learning; and we insist that the children of naturalized citizens and aliens *ought* to attend our republican public or private schools for instruction, and none other; and that the children of native and naturalized citizens should co-mingle together, and study together the books with which those schools are supplied, in order to destroy all foreign feeling, and cultivate, as far as possible, in the children of foreign-born citizens and aliens, a love for our country and our republican institutions.

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8th. We oppose clerical rule and dictation in temporal affairs, by the priesthood of any sect, and discountenance any interference upon the rights of any portion of our people to worship God according to the dictates of their own consciences; but hold it an inalienable right of American Republicans to discuss every religious creed which we may deem expedient.

9th. THE AMERICAN REPUBLICANS, THE INDEPENDENT PEOPLE OF THE UNITED STATES OF NORTH AMERICA, unamenable to any power, but the laws of God and our Country; unbiassed by any party prejudices; untrammelled by any party obligations, have withdrawn from both of the old political parties (Whig and Democrat) which, by their corruptions and fearfully impolitic course, for their OWN PARTY AGGRANDISEMENT, regardless of OUR COUNTRY'S WELFARE, have forfeited all claims upon the American People, and formed ourselves into a body under the proud appellation of AMERICAN REPUBLICANS, to carry out our principles, elect none but native-born American Republicans to National, State, or local offices, and to devote our energies and influences in the cause of OUR COUNTRY, OUR WHOLE COUNTRY, AND NOTHING BUT OUR COUNTRY!

Fellow Citizens of Boston, of New England, of America! the above are our principles. Are they not noble? Are they not proper, and imperatively called for at this crisis? And is there a man possessing a true American Republican heart, or one spark of patriotism, who will not help sustain them? You perceive they are plain and simple, within the comprehension of all. No fault is found with the Constitution of the United States, nor our Republican System of Government; for we believe there never was before such a glorious Constitu-

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tion and System, and that we can never adopt a better. We wish to preserve our present Constitution and System, by so amending the Naturalization Laws, that none but citizens understanding our principles of Government, shall be entrusted with making and executing our laws, which are the pillars of our system.

READ, REFLECT, AND ACT.

SCRAPS BY THE WAY.

A gentleman, and a warm friend of our party, informs us, that on Saturday last he visited Tammany Hall *incog.* for the express purpose of becoming acquainted with the *modus operandi* of preparing candidates for American Citizenship. He went into the "Committee Room," on the first floor, and found there a large attendance of foreigners, mostly Irish. At a long table many gentlemen were seated, with books and papers; they were industriously occupied in filling up the applicants' papers for naturalization, taking their signatures and that of their witnesses, and a record of their names, etc. Messengers were despatched in all directions, the arrivals and departures were very numerous, not less than 150 during the short time he was there. He accompanied some of them to the Courts, and found they were provided by the Committee with tickets to naturalize them free of expense.—*N. Y. American Republican.*

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The Cincinnati Enquirer contains the following:

"NATURALIZATION—The whole number naturalized will not fall much, if any short of twelve hundred—a fact that will tell with fatal effect upon the last hope of coonery to-day."

And the fact has been told with 'fatal effect,' upon the Whig party. But look at the startling fact—1200 persons naturalized in one day—marshalled up to the court and admitted as citizens, under a party declaration, that their votes will tell, with a fatal effect, on a pending election, against a majority of their fellow citizens. It is certainly a startling fact, that such a declaration should be made on the morning of an election.

OVER ONE HUNDRED AMERICANS MADE YESTERDAY. It will be seen upon reference to our reports, that over one hundred foreigners were yesterday converted into American citizens.—*New York Express.*

THREE HUNDRED MORE NATURALIZED CITIZENS. Our record of the Courts on Friday, show that more than THREE HUNDRED citizens were manufactured yesterday. About FIFTEEN HUNDRED have passed through the mill, within a few days, in this city alone, and before Tuesday night, the number will reach at least THREE THOUSAND. It is truly sickening to every American bosom to see this array of Foreigners turned, just upon the eve of an election, into American citizens, particularly where we have every reason to believe that a very large portion of them obtain their papers by fraud and perjury.—*N. Y. Express.*

SIGNS. The Albany Argus and several other kindred papers, have of late been calling loudly upon Foreigners, to unite in opposing Mr. Clay.

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The coalition of the locofocos with foreigners appears to be perfect, even in this city. An individual who had received from the Collector of the Boston Custom House an office of minor importance has, we learn, been discharged at the instigation of the foreign locofocos, because he was reported to be in favor of a Native American party.

This fact has been confirmed by the gentleman refered to (Mr. Hogan) in a letter just published in the Olive Branch.

Read the following appeal from the Albany Argus. "Democrats, be up then and doing. Speed the intelligence of *the coalition* of the whig party and the natives through town and country, village and hamlet, from Maine to Louisiana. Go among the 100,000 Germans, and the 50,000 sons of Ireland in Ohio. Announce to them the result in Philadelphia. Place the simple facts before them, and they will go en masse for the democratic candidates.

Democrats of Maryland, go among your Catholic population, who compose the majority in your State. Tell them the facts, and they can never unite with a party which has countenanced the mob which desecrated their altars and their churches in Philadelphia.

Democrats of Indiana, go among the Swiss and Germans, and the Irish of your State. Speed the news of the coalition, and Indiana will go against HENRY CLAY.

Democrats of the Empire State, the great duty rests upon you. We have at least seventy thousand voters within our limits, who have become adopted citizens,—among them speed the result in Philadelphia, &c."

There was a flag in the locofoco procession in New York, on which was inscribed "Americans shan't rule us."

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The New York American Republican says, "about 1000 aliens assembled in the Park last evening, under pretence of being American Republicans.

The Frenchmen in New York have held a meeting, and resolved to vote for Polk and Dallas. This calling meetings of foreigners, *as such*, for political purposes, will do more to build up a Native American party than all other causes combined.

The following extracts are from the Boston Pilot, the Pope's organ of this city.

"We say to all men in the United States, entitled to be naturalized, become citizens while you can. Let nothing delay you for an hour, and let no hindrance short of mortal disease, banish you from the ballot-box. Vote according to your principles. Do not be wheeled nor terrified. Let your opinions be proven by your deliberate and determined action."

AGAIN.

"We condemn no candidate *but one*, and he is THEODORE FRELINGHUYSEN. We *hate* his *intolerance*, we dislike his associates, and we shudder at the *blackness* and *bitterness* of that school of sectarians to whom he belongs, and among whom he is regarded as a leader and chief."

AGAIN, from the same source.

"Dear, delightful, bigotted New England, how much of glory and of shame are blended in thy history! How awful was the career of thy pioneer fanatics, who made laws in the wilderness, to shackle conscience, and to fetter freedom of worship! And how truly hast thou imitated their narrowness of soul, and their grotesque theology, without retaining their sincerity, or being dignified by

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their superstition. New England! thou land of notions, and nice young parsons, thou oddity of the earth, thou eccentric museum of ill-assorted ideas."

AMERICANS! have you a drop of the Pilgrims' blood flowing in your veins? then *awake* while you may.

A pamphlet has just been issued in Philadelphia, by a Roman Catholic bookseller, abusive of Presbyterianism, and of those who profess that faith. The author thus speaks of Mr. Frelinghuysen.

"Mr. Theodore Frelinghuysen, a candidate for Vice President of the United States, is here represented as presiding in the chair of a Biblical meeting, countenancing the gross slanders of a set of infamous Presbyterian bigots. *Will the American people disgrace the chair of the Vice Presidency by the election of such a man?* Can he be ignorant of the plots and machinations of the fanatics against our government? We think this sufficient to alarm every friend of civil and religious liberty."

This same pamphlet, in speaking of *Presbyterianism*, says,

"What a blessing is it for humanity—for the whole human race—that our government has a halter round the neck of this monster of intolerance, Presbyterianism. I say *halter*, for I have never yet gazed upon a Presbyterian minister, that I have not thought, from his morose, restless, intriguing, and perturbed look, but that he was concocting some villany, and that he was only checked by the gallows in PERSPECTIVE."

At Buffalo, the Locofocos recently rolled through the streets and gutters of that city a large ball, bearing on it a representation of Mr. Frelinghuysen, ARRAYED IN SA-

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CERDOTAL ROBES AND WITH A BIBLE IN HIS HAND! Is the most exalted Christian character to be taunted because he professes the Christian religion, and takes the Bible for his guidance?

"On the evening of the *torch light, Polk and Dallas, Texas, Slavery* procession at *Salem*, the dwelling house of the Rev. Dr. O'Flaherty, a Catholic Clergyman, was brilliantly illuminated; and on the following Lord's day he edified and instructed his audience by a Polk and Dallas sermon."—*Salem Register.*

We ask in God's name has it come to this, on the Old Puritan soil, that the Trumpet of the Vatican shall utter its voice to control its ignorant and deluded minions?

Must American citizens allow the blessings of freedom to be made a plaything by Catholic Irishmen? Great God forbid it!!

The following is from the *Boston Pilot.*

"If the party of burglars now rampant in the city of Penn, and in the city of Rip Van Winkle, possessed as much brains collectively, as a Choctaw Senate, when by their council fire, they would learn that their very existence as a nation depends on the Irish population of this country. * * * * It ill becomes any American to taunt Irishmen on the score of bravery. Native courage is a commodity that needs yet to be proven to exist. The flag of America is not yet seventy years old, and thrice the NATIVE sons of America have deserted it. Therefore, we advise these COWARDS, and SONS OF COWARDS, to boast moderately. As shopkeepers, they are excellent; as merchants, enterprising and persevering; as usurers, they have no equals in the world; but as soldiers, every native ought to belong to the Peace Society!"

BOSTON:
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1852.

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Foreign Strength. Do foreigners increase upon us any faster than our native population, so that we cannot keep them in subjection? Let the following statistics, gathered from authentic sources show: In 1830, there were in the United States, only 11 dioceses; 300 Priests; and a population of 500,000. In 1843, there were 1 Apostolic Vicarate; 21 dioceses; 25 Bishops; 634 Priests; 261 Theological students; 677 churches; 461 other stations; 36 convents; 19 seminaries, for the education of young men for the priesthood; 22 colleges and academies for males; 48 academies for females; 71 charitable institutions; and a population of 2,500,000. Thus showing, that, while the population of the United States increases at the rate of about 34 per cent. in ten years, the Papal population increases more than 150 per cent. in the same time; and that they have now a large minority of the voters in the Union, which, should they increase in their former ratio, in a few years will swell into a majority of all the voters in the country.

Awake to the Danger. The association for promoting Romanism, at Lyons, France, has sent out to America during the past year more than $200,000, in aid of the establishment of popery in this country—nearly as much as has been received by the American Board for evangelizing the entire pagan world.

Seven Thousand Foreigners, entered the single port of New York, in one week in last May, the greater part of whom had their passages paid from their governments' coffer.

Facts, analagous to the above might be multiplied to almost any extent, but want of room forbids us to proceed. Pub.

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BOSTON:
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"A STRAW."

In the late loco torch light procession in this city, a banner was carried on which was painted in full length figure the *Goddess of Liberty.* It was surrounded by Irishmen, and the Catholics in several places cried out, "*here comes the Virgin Mary,*" at the same time crossing themselves, and making due obeisance.

AN ALARMING FACT.

There are now in this Union at least 300,000 foreigners, one-fifth of whom in a closely contested election, is sufficient to carry an election; and consequently the balance of power may fairly be said to be in the hands of foreigners. This number is increasing at the rate of 75,000 to 100,000 per annum.

Then conquer we must, when our cause is so just,
And this be our motto, "In God is our trust!"
And the star-spangled banner in triumph shall wave,
O'er the land of the *free*, and the home of the brave.

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SPEECHES

— OF —

HON. JOSEPH T. BUCKINGHAM,

CHARLES M. ELLIS, ESQ.,

— AND —

HON. ANSON BURLINGAME,

AT THE FREE DEMOCRATIC MEETING IN FANEUIL HALL, OCTOBER 13, 1852.

PHONOGRAPHICALLY REPORTED FOR THE "COMMONWEALTH."

BOSTON:
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Mrs M Hayes
of New York City

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SPEECH OF

HON. JOSEPH T. BUCKINGHAM.

FELLOW CITIZENS, GENTLEMEN, AND FRIENDS: I need language to express my thanks for the honor you have conferred upon me, by placing me in this distinguished position, and for the overpowering kindness of your salutation. Many of my fellow citizens here assembled are better qualified to discharge the duties of this office; but there is not one here,—no, not one,—who has been, or still is, more earnestly and faithfully enlisted in the cause which has called us together. In times gone by, I have often beheld in this hall a "sea of upturned faces;" but never before have I seen such a congregation of countenances radiant with the light of liberty (cheers), animated by "one idea" (cheers), enthusiastic devotion to the cause of human freedom—implacable hatred, deadly hostility to every form of despotism. (Enthusiastic cheers.)

I have said, gentlemen, that we are animated by one idea. I mean by this that *one idea* which includes and embraces all that the Declaration of Independence and the Constitution of the United States provided for; and these documents provide for everything necessary for the happiness, and prosperity, the elevation and the refinement of the people. The Free Soil party, or the Free Democracy, by whichsoever name you choose to be called, is the party of the country. We have but two parties; and to give them the shortest names, they are the party of slavery and the party of anti-slavery. For my own part, I see no difference in the two platforms that have been adopted at Baltimore. There is no difference, to my mind, except in the candidates they have proposed for office. So far as sentiment goes, it seems to me that they are identical. The sentiments and doctrines of the Free Soil party, as I understand them, are nothing new. They have been the sentiments of the noblest men in almost all ages of the world But, to go no further back than two or three centuries, they were the sentiments of John Hampden, Algernon Sidney, John Milton and John Locke; and to come to our own country, they were the sentiments of George Washington, and Thomas Jefferson, of Jay and Gerry, and of a long line of Adamses and Quincys (great cheering,) stretching from the middle of the last century down to the present hour. I have also, in our own day, and very lately, seen the sentiments of the Free Soil party illustrated by distinguished individuals. "You all do know that picture" [turning to the portrait of Mr. Webster] the "counterfeit presentment" of one of the greatest men of the age. *One* of the greatest men of the age, did I say? I should have said, the *very* greatest, in respect to intellect, and in all the faculties of body and mind which form an accomplished statesman and eloquent orator.

"See what a grace is seated on that brow!
* * * The front of Jove himself:
An eye like Mars, to threaten and command;
* * * * * * * *
A combination, and a form, indeed,
Where every god did seem to set his seal,
To give the world assurance of a man."

He is here represented in the act of defending New England, and especially Nathan Dane, of Massachusetts, against an unmanly taunt from a South Carolina Senator. Nathan Dane, you all recollect, was the author of the celebrated ordinance of 1787 (loud cheers); and you all know, or ought to know, that by that ordinance, slavery, or involuntary servitude, was forever prohibited in the immeasurable tract of country northwest of the Ohio. (Cheers.) The artist who drew that picture must have seized upon that countenance in one of those happy moments, when this subject filled the man,—

"His glowing mind
Disturb'd, delighted, rais'd, refin'd."

He must have seized upon it at the moment when he spoke the following language:—

"The honorable member [Hon. Mr. Haynes, of South Carolina,] was inclined to be facetious on the subject. He was rather disposed to make it a matter of ridicule that I had introduced the name of *one Nathan Dane*, of whom, he assures us, he had never before heard. Sir, if the honorable member had never before heard of Mr. Dane, I am sorry for it. It shows him less acquainted with the public men of our country than I had supposed. Let me tell him, however, that a sneer from him at the mention of the name of Nathan Dane, is in bad taste. It may well be a high mark of ambition, sir, either with the honorable gentlemen or myself, to accomplish as much to make our names known to advantage, and remembered with gratitude, as Mr. Dane has accomplished."

This eulogy of Nathan Dane, and, in fact, all the sentiments of that celebrated speech, which covers more than sixty pages, are Free Soil sentiments. (Great cheering.) But I have another document, of somewhat later date. You will recollect that the scene portrayed in this picture took place in the Senate of the United States in 1833. As late as the year 1837, I think, at Niblo's Garden, in the city of New York, a most admirable Free Soil Speech was delivered. I have an extract from it, which I preserve as a memorial of the unsophisticated, unaffected patriotism of its author. I keep it near me, as a sort of talisman, to protect me against the assaults of some of those imps of Hunkerism whom I sometimes meet. It was delivered when its author was conscientiously the advocate of Freedom, of Free Soil and Free Speech; before his "thunder" had been stolen by David

Wilmot, (cheers,) and before he had discovered that wonderful fact, that it was not necessary to re-enact the laws of God. (Renewed cheers.) Here it is, and I will read it:—

"My opposition to slavery in this country, or to the increase of slave representation in Congress, is general and universal. It has no reference to the lines of latitude or the points of the compass. I shall oppose all such extension, and all such increase, in all places, at all times, under all circumstances, even against all inducements, against all supposed limitation of great interests, against all combinations, against all compromises." (Prolonged cheers.)

Can any Free Soiler, any Free Democrat, even a professed Abolitionist, use language stronger and with more meaning than that? Can any one present his faith, his views of public policy, in better or stronger terms? I think not.

This is the language which I adopt, and which I hope every one in this assembly adopts. It expresses the sentiments of John P. Hale and Horace Mann; I take it as a text for all my comments upon the politics of the day.

But there is another side to this picture, and a melancholy side it is. On the 7th of March, 1850, a strange, wonderful, mysterious and incomprehensible change came over this beautiful, heavenly vision. I will pursue the description no further. Let that fatal day perish from the calendar! "Let that day be darkness; let not God regard it from above, neither let the light shine upon it. Let darkness and the shadow of death stain it. Let a cloud dwell upon it: let the blackness of the day terrify it!" For myself, I wish to spread over it the veil of compassion.

"Can such things be,
And overcome us, like a summer's cloud,
Without our special wonder?"

Fellow citizens, when I was requested to preside at this meeting, I made a stipulation to the Committee that I should not be called upon for a speech. I have intruded upon that stipulation thus far, and will relieve your impatience after one or two further remarks. We have assembled together to exchange congratulations with two of our young friends, who have been selected as candidates to represent the Free Soil party of the fourth and fifth Congressional Districts in the Congress of the United States. (Cheers.) They have been selected as the exponents of our principles, as the standard-bearers of the great army of the Free Democracy; as the defenders of Free Soil principles, free thought, free speech, and free men. (Loud applause.) Let us hear their voices! (Cheers.) Here, in the presence, as we trust, of the spirits of departed statesmen and patriots, of the spirits of just men made perfect,—here let us consecrate them to the work as ministers of the "*higher law*" (prolonged cheers); that law which refuses not the sanction or the re-enaction of human legislatures, but which will not consent to receive modification or repeal by any human legislation! Let us send them forth as ambassadors to demand the fulfilment of that law; as plenipotentiaries crowned with the cap of liberty, arrayed in the robes of justice and judgment, armed with the breast-plate of honor and the sword of truth, their feet shod with the preparation of the gospel of peace. Bid them God speed in the cause of God and Humanity. They are young men; but age is not measured by the number of years. "The youth that is soon perfected condemns the many years of the unrighteous." Their age is not measured by the flight of a series of years; but if wisdom be the gray hairs to man, their heads are already whiter than mine; and if an unspotted life be old age, they have already become centenarians. (Prolonged applause.)

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SPEECH OF

CHARLES M. ELLIS, ESQ.

Mr. President:—Such words as you have used in consecrating us to a noble work would make a brave man pause before beginning it. My friend merits your kindness, but not I. I wish I could feel that I deserved it. Unexpected, it must be the excuse for thus much personality. Pardon me, sir, for saying to you here that I can only hope that if ever age shall find my head white as yours, it may give me claim to a share of the respect and honor you command for fearless and constant advocacy of the truth. (Sensation.)

Fellow Citizens:—It is the eve of another of the days of the Republic. The people are gathering together to reflect on what has been done since they last sent forth their laborers into the field, and to resolve what shall be done on the morrow. It is the eve of the assemblage of the grand council of the nation, the court of final appeals. Sitting in that tribunal, each man is bound by the same obligations that rest on Judge, President, or Legislator,—all but the form of the official oath,—bound by even higher ones; as the lines of official duty are narrow beside the broad fields that spread before the patriot. Some of these must administer the laws as they find them, but each citizen must sit in judgment on the utility, the justice of the laws themselves. (Cheers.)

There is one strange thing about to day's assemblage of the people. It is the attempt to pass a preliminary resolution for perpetual silence.

The great parties of the country lay their fingers on their lips. They call on their members, "keep silence." They call on all who would join them, "refrain from speech." One thing is ever to be named in their midst. One thing, they say, no good citizen will ever again present as a question in these gatherings. They cry "Peace! peace!" Is there peace? Would silence bring peace? That one nameless thing is the thing that is sundering them with blows that ring like strokes of a sledge on an anvil, or is silently severing them with an edge keener than that of the blade of Saladin. It is the thing which controls their motions. It is the thing on which the life of the country depends. (Applause.)

Let us see, then, what there is in this un-American, unmanly position. We have been wont to think that it is only a bad cause that dreads discussion. We might do wrong to assume that this is therefore bad. Let us then ask is there any reason why this vital question of freedom or slavery should not be further discussed? ("No! no!")

Let us say in the outset, fairly, that there is one phase of freedom that can never, amongst the people, or on this spot, be questioned with safety. Freedom of speech we will never surrender! Deny that and you lose also the point you would gain by withholding it! (Loud cheers.)

Two words have been ingeniously chosen to express the theory in which the principle at issue betwixt the two powers of this Union to-day presents itself, in such a form as to seem on the first approach to have claims in fairness and right. Each of the great parties has adopted them.

Compromise, a just, fair adjustment, well understood and agreed to, the righteous decision of an impartial umpire, or the honorable arrangement of mutual friends or common representatives, commands respect.

Finality, a word not to be found in any lexicons but those of the latest date, marked in the last as "a political word invented by Lord John Russell," a worthy progenitor, conveys the idea of a legislative settlement or adjudication, a decision not to be questioned or reversed.

Now, what men deny is not the obligation of a compromise, but the fact that they ever made or authorized such a thing; not the effect of the principle of finality, but that there is in fact any doctrine corresponding to that new-coined word.

Let us suppose, to put the case in its strongest form against us, that the Congress of September, 1850, had, for reasons sufficient to itself, either judging on questions of right or having in view the welfare and quiet of the country, seen fit to declare and incorporate into these statutes that for any cause they should not or ought not to be repealed. Such a clause would have been of no force whatever. ("True! true!")

Only five years after the landing of Columbus, in the reign of Henry VII., the British Parliament passed a statute that no person should thereafter be attainted of treason for assisting a king *de facto*, by act of parliament. It was decided that that could not clog any subsequent parliament. Considering the omnipotence claimed for the British Government beside the American constitution and the source of its power, the reasons given for that judgment come to us with the deeper meaning, "because the legislature being in truth the sovereign power is always of absolute authority, acknowledging no superior on earth, which a prior legislature must have been if it could thus tie the hands of a subsequent one."

Indeed, it was a settled maxim of the common law, long before the time of Lord Bacon, that any such clause would be void, so that, said he, "if an act should declare the king and parliament could not repeal it for seven years, it would be of no effect." This was always the English law. It has always, and with more reason, been ours.

In fact, to deny this is to say that there is in the legislature a power above the Constitution and above the authority on which is based the Constitution itself.

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Were it not, however, for the monstrous claims that are so often advanced, it would be hardly necessary to state this. Every lawyer knows that such a clause is, in the language of the maxim, *clausula derogatoria*, and a nullity. But the maxim does much more than declare the fixed rule. It embodies and declares a great principle, founded in reason, and the wisdom gathered from the experience of ages. Surely it is not for this country, in this juncture, and for such a cause, to see its interests surrendered, and its rights sacrificed, and have no reason rendered but one which sets at nought the teachings of experience and removes the settled landmarks of the law. (Applause.)

But if such a doctrine would be so dangerous in England that it could not be tolerated, is it not obviously fraught with far greater perils to a country like this? Is it not more alien to the spirit of our institutions? Is it not more likely to be abused? One check which in England might make it less hazardous, has not any existence in America. Here it would be nothing but the will of the present hour.

If this doctrine be settled to be legitimate, it is one which may be applied in its turn to plague its inventors. The legislature for the people, or the people, is to judge when there is such a crisis as requires this final abandonment of its legislative power, and solemn declaration of legislative impotency. There is scarcely a subject of even minor importance that has agitated any of the States for quarter of a century, the electoral franchise, law reform, tenure of office, temperance, what not, that would not soon thus get its quietus. But with this would come an end of progress, an end of justice. With it the rights of the minority would always be sacrificed. Considering how, in the attempts of man, truth lives and prevails only by the voice of those whom such a doctrine would soon silence forever, it is not too much to say that if this doctrine be established, there can be no hope for the republic. (Applause.)

But there was no such compromise. There has been no day on which this great country has been forced to say, or has said, Silence, forever! This country does not feel that it cannot govern its own territories without vowing never to legislate on the domestic institution which must mould and color all its laws. ("No! no!") It does not think that a fugitive cannot be given up, save to the strong-handed hunter, in the midst of soldiers, without trial or law. It does not think that "whoso shall give but a cup of cold water to one of these little ones" need be a felon or a traitor. (Rapturous applause.)

Far from all that. It feels that the interest and existence of the country can only be preserved, the stipulations of its constitution kept, the duties of its citizens to each other, to their country, to themselves, and to the right, to God and to man, done, by a very different course of policy. (Cheers.)

These statutes, so far from expressing the will of the people of this land, only declare the wish of a small minority, the will of the hundreds of thousands of slaveholders having its way against the millions of freemen. (Cheers.)

In the first place those who assumed to have made these perpetual edicts, had no such authority in the premises. No one can deny the truth of the statement that throughout the Northern States, legislators were chosen with the express purpose of effecting just the opposite thing. The resolves of the various parties, their divisions, attest that this was the sentiment. And more significant still, is the fact that, to-day, this sentiment so moves the masses in the country that the parties themselves are sundered and have no struggle more severe than that for their nationality! (Applause.)

In the choice of the Executive branch, did not the ruling party claim support on the ground that the President would be true to the principle of the Government? that the Whigs would apply to the new territory whose conquest they had opposed an ordinance that should secure its freedom? General Taylor was presented to the North as a Whig, and as having no wish for this alarming extension of Southern power. The sentiments of the body of the people were all true to freedom. Mr. Webster, whose testimony to this point will not be questioned any more than his knowledge, said, "In my judgment, the interests of the country and the feelings of a vast majority, require that a President of these United States should be elected, who will neither use official influence to promote, nor who feels any desire in his heart to promote, the further extension of Slavery in this country, or the further influence of it in the public councils." We know how the wishes and interests of this vast majority were then declared. We know whether they ever consented that they should be sacrificed. (Cheers.)

Did Massachusetts then doubt that there would be in the Senate one who would speak her voice, who would in good faith throw his power into the scale of right, of honor, and freedom; who would care for the wishes and interests of the vast majority? Mr. Webster has declared that the "Wilmot Proviso," the panacea for the evils of slavery and annexation, was a just sentiment, to which no one adhered more firmly than he; that as early as 1838, he had committed himself to the doctrine, fully and entirely. He assumed the first place, and, Jove-like, claimed this "thunder." He said, publicly, "We are to use the first, and last, and every occasion which offers, to oppose the extension of slave power." Mr. Choate asked of him, especially, and of all Northern Whigs, (of course, it turned out that there were exceptions enough to prove the rule,) "Is there a single Whig constituency that would return a man that would not vote for freedom? Do you believe that Daniel Webster himself could be returned, if there was the least doubt upon the question?" That "clarion voice" still seems ringing, like a trumpet, in our ears! (Hearty applause.)

Such were the clear interests and declared wishes of the people, and the just expectations of the ruling party of its candidates; and other officers of the General Government had been elected, solely with a view to this issue. The old party lines had been broken, and men chosen to Congress solely because they would struggle with a single purpose for the great cause of American Liberty. (Applause.)

Our friend, here, attests how faithfully the orators strove for freedom. You, sir, know what was the spirit of the press, the pen, "mightier than the sword." We know that some of its body never succumbed. (Loud cheers.)

But the State in its sovereign capacity had gone yet farther. It had, before the year 1850, put on record its estimate of the value of its interests. It had solemnly declared and recorded that its material interests were not to be held alone of account, but that others of prime importance were sacred in character and therefore never to be violated, but to be protected as the means and condition of all that it could enjoy under the republic. It protested that it would never consent to a violation of the rights of citizenship and representation, the right secured by the provisions of the Constitution in the greatest concerns of the national government, and the settled ways of the law in the trials before the courts of the country. (Applause.)

In 1843, Massachusetts passed a resolve that

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"the Constitution ought to be so amended that representatives and direct taxes should be apportioned amongst the several States in proportion to the number of free persons," and sent it to Virginia. Virginia returned it! On March 16, 1844, Massachusetts resolved that that resolution expressed the deliberate sentiments of the people of Massachusetts, a principle essential to the stability and permanence of the Union, and, says the resolve, "to the assertion of this in every constitutional way the people of Massachusetts will always hereafter, as they now do, firmly and conscientiously adhere. (Applause.)

This doctrine of representation had become sacred to Massachusetts in former days. Its principles were not to be called in question with her. The principle that lies at the basis of all governments, especially dear to this people in view of its history and the forms of its institutions, that each citizen is entitled to the perfect protection of the State, had been violated! Massachusetts seamen had been seized and sold as slaves! It mattered not that they were of the lowly. That only gave strength to the claim for protection. The State had, for several years, tried by appeals to the sense of right and of honor to get justice. In vain! It sought the Southern courts. They were closed. A calm, aged, revered citizen, going to their presence to beg for their own measure of justice, was hustled off by a riotous mob, like a felon! (Sensation, and cries of "Shame! shame!")

Then Massachusetts published to her sister States and the world the declaration of 1845. Thus she appealed to all her sister States:—

"The State of Massachusetts now addresses each of her sister States of the North American Federal Union, and, in the presence of all Christian nations, of the civilized world, and of an omniscient, all-seeing Deity, the final judge of human action in States as in individuals, enters her earnest and solemn protest against the hostile acts of the State of South Carolina"

After reciting the claims made by South Carolina of the power to seize and sell our citizens, and that our colored citizens are not entitled to the guaranty of the Constitution, the rights and immunities of the citizens of the several States, the Declaration says Massachusetts will—

"Claim for them the undisturbed enjoyment of all the privileges which their ancestors braved every danger to secure; but that claim shall be made to rest only upon those immutable principles of justice, of freedom and of right, which however smothered for a time, by force of local interests or sectional passions, must in the end extort the assent of the most reluctant heart." * * * *

"In the long list of offences charged upon the mother country, as justifying the separation of the Colonies, there is not found in the Declaration of Independence, one, the arbitrary character of which approches that of the acts committed upon citizens of friendly States by South Carolina under this claim." (Applause.)

Massachusetts then refers to and recites her acts of 1836, 1842, 1843, and 1844. Then she proceeds as follows:—

"And now, upon a review of all the proceedings of Massachusetts, she challenges the world to show that she has done any act in connection with this subject which it was not her indispensable duty to her citizens to do for their protection, or which any State has a just right to complain of her for doing. Neither has there been a word placed upon her Statute-book, which she has occasion to regret. Her remonstrances have been grave, respectful, reasonable. Her measures have been moderate, strictly lawful, conciliatory, in a spirit of truth and peace. Questions like this must go into the history of the age, they must be finally tried by a standard which the passions of a moment, however potent, will never reach. Let posterity decide whether South Carolina, will be entitled, with any justice, to say thus much." * * *

"The compact formed between all the States by the Federal Constitution, is the living and shining testimony of the nineteenth century to the truth of the theory of liberty with law. Massachussetts adjures them not to favor any course of action which must ultimately show it to be a solemn lie."

"But," (it ends in a strain worthy of remembrance) "Massachusetts will do her duty to her people, whether in the less or the more favored condition of society. She will never relax in her demand of all the rights which belong to her as a State and a member of the Union, or in the exertion of her utmost energies in support of the undying principles of justice and liberty among men, the base of her social edifice, cemented in the blood of many of its founders, as they are the pride and the honor of modern civilization.

LEVI LINCOLN, President of the Senate.
SAMUEL H. WALLEY, JR., Speaker of the House.
Approved, March 24, 1845.
GEO. N. BRIGGS, Governor."

These were rights which Massachusetts herself could not surrender! (Applause.)

Years ago, we heard Channing's warning against the plot in Texas. But it had been carried through and consummated. Then arose the question of the admission of Texas to the Union. There was a settled form of law for this. The judgment of the people was taken. It was against its annexation. If the old forms would not do, then a law must be made. It was made. The treaty-making power, that of contracting with other nations, had been lodged in other hands. But a mere vote of a majority of Congress passed the Texas resolutions, and the doctrine was advanced that the hands of the nation were tied, that those resolutions had an obligation higher than that of the Constitution itself—were a law that was irreversible and unalterable! (Sensation)

Massachusetts had declared in 1845:—

Whereas, The Commonwealth of Massachusetts has, through her Legislature, with great unanimity, in the years 1843, 1844, and 1845, solemnly and strenuously protested against the admission, by the federal government, of the foreign nation of Texas, as a State, into the Union, because the act would be in direct violation of the Constitution of the United States, and because it would perpetuate the slavery of a portion of mankind in America, and because it would extend the unequal rule of representation, by federal numbers over a new region never within the contemplation of those who consented to its establishment, at the time of the formation of the constitution,—

Resolved, That Massachusetts hereby refuses to acknowledge the act of the government of the United States authorizing the admission of Texas, as a legal act, in any way binding her from using her utmost exertions in cooperating with other States, by every lawful and constitutional measure, to annul its conditions and defeat its accomplishment.

Resolved, That the Constitution of the United States was framed in order to protect a people of freemen and perpetuate the blessings of liberty to them and their posterity, and that Massachusetts will co operate with any, or all of the free States of the Union, in an honest endeavor, by lawful means, to restore it in every case where it has been perverted from the fulfilment of its original and noble purpose.

Channing was wiser than the statesmen! His clear voice seems still to be calling to us to stay the march of wrong. But the time for one step more had come. Plunder was not enough. It was not enough that the faith of the nation should be broken. War must be waged,—war costing millions of treasure, thousands of lives,—war void of the show of justification,—war in its most disgrace-

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ful and dishonorable forms for conquest, conquest for slavery.

Then Massachusetts

Resolved, That the present war with Mexico * * * is waged with the triple object of extending slavery, of strengthening the slave power, and of obtaining the control of the Free States under the Constitution of the United States.

Resolved, That we are impressed with the unalterable conviction that a regard for the fair fame of our country, for the principles of morals, and for that righteousness which exalteth a nation, sanctions and requires all constitutional efforts for the destruction of the unjust influence of the slave power, and for the abolition of slavery within the limits of the United States.

Out of that war we got an unmeasured extent of territory. The greatest question was before the country that had ever been presented to it. There was a plain course, one that had been promised, (though I agree we all knew the promise not to plunder was false,) one pointed out by the Constitution, one that had a glorious precedent, and one that was just, the one required by the interests and wishes of a vast majority. Still, good might come, for we had the power. (Applause.) Then Massachusetts

Resolved, That Congress has full power to legislate upon the subject of slavery in the Territories of the Union.

Resolved, That it will be its duty to establish therein the fundamental principle of the Ordinance of 1787.

Resolved, That the Slave trade ought not to exist in the District of Columbia.

Resolved, That Slavery ought not to exist in the District of Columbia.

Resolved, That we, in seeking to secure the non-extension of Slavery, are acting in the very spirit in which the Union was founded.

More than once, Massachusetts declared the principle so grandly developed by the master-hand of Sumner, that "Freedom is national." (Hearty cheers.)

The question of legislating for the new territory was cunningly connected with some others, for which a gain was hoped to be got for Slavery, and as carefully kept from others that might secure the rights of freemen. They were ready to devise new ways to catch slaves, but none to protect freemen. (Applause.)

The debate on this question was conducted, much of it, out of doors. Novel tactics were adopted, novel arguments addressed to the people. The people of the North, of course, looked especially to one man of intellect and statesmanship, fit to grasp so grand a subject, bound by his earliest and latest vows to the cause of freedom. The out of door arguments were threats from the Slave power In former days, he had met such things as feathers. He had treated even an organized armed nullification as a man should. One man of nerve like Jackson, would have blown all these menaces to the winds. The country turned to Webster,—*but he bowed!* (Sensation.) When the giant of the forest fell, what could stand? (Increased sensation.) If ever the country felt the feeling of despair of trusting to mortal man, it was then! The North called on him, begging him, with one blow, to save it long years of labor. But he struck the flag of Freedom! (Sensation.)

It is in vain to try now, through the manufactured confusion and noise of later scenes, for the sake of keeping the nationality of the party or other cause, to make the people think they felt *that* their hour of safety. The country then felt, yet feels, that never yet was a word spoken fraught with such dangers as that portended!

Nor did it acquiesce. One general voice of protestation was raised everywhere through the North. Let me remind you of the letter written in May, 1850, by the leading Whigs of Norfolk, to Horace Mann, commending his noble and manly course. (Applause.) But, in September, the bills were passed! The question is, how far they are binding on Massachusetts, more than any other laws.

Her instructions were deliberately disregarded. It is matter of debate how far instructions on matters of expediency and judgment are binding on a representative. It is possible there may be a case in which their interests are so deeply involved, their wishes so universal and well-known, that a violation of them could only find excuse in a technical justification. It is clear that no man can surrender any of the rights of his constituency. (Applause.)

It is said, however, that these must have been passed, or must be adhered to, to save the country! Is it so? ("No! no!") Who, then, threatened to destroy the country, but on this condition? Could it have been done? Who had so read our history as to dream, who so knew our spirit as to dare to say, in good faith and with no ulterior aims, in his heart, that we were such dastardly cowards, so dishonorable and unloyal to the right, that we would ever consent to negotiate or to act, so long as the slightest hint of intimidation was suggested? (Loud cheers.) Or, if driven by overwhelming force to this point, what man of common reason, what lawyer, would venture to say, that any concessions made on such considerations would not be merely void for legislative duress? (Renewed applause.)

But who thought that all that noise was real, or these concessions, because of it? Not a government security fell a dollar for it all! Party stocks were at a discount. The national brokers found their business dull. This new "fancy" of the Union party was got up, but it did not go up to two hundred per cent.! The Whig and Democratic companies made reports to show clearly that their roads run just as straight through the heart of the Union! *Their* stock rose! The *Union* company is flat! (Laughter and applause.)

It is plain, however, that whatever was done by Representatives even, on matters of mere expediency, has not the slightest claim to be considered in the nature of a compromise when it was done in utter disregard of the rights, the interests, the will of a constituency so well recognized and carefully recorded.

If any other reason were needed, let any one ask himself if any series of acts could be framed as a compromise which would not tend to corrupt or perilous limitations, to negotiations betwixt two parts of the government carefully made totally independent to coalitions.

Is it pretended that the acting President agreed beforehand what he would sign?

It is worth while, too, to remember that the statutes for the government of the territories of Utah, California and New Mexico, were in force before the Slave bill became a law, and that before the statute touching slavery in the District. They were not in fact, therefore, made together. They are not a system of measures at all dependent. A week after the territorial bills were the law of the land, the President might have vetoed the slave bill, and broken faith with no one. If not, in his judgment, a just law, he was bound to do so. Yet the others must have stood. It follows, then, that this law may be repealed or altered without the least regard to those others. (Enthusiastic cheers.)

But it is urged that though it be conceded that there can be no such thing as legal finality, though there can be no such thing as Compromise acts of the Legislature or the different branches of the government, and though the legislation was not in accordance with the wishes of the Free States, yet it was in principle a settlement of the whole matter and ought to be acquiesced in to prevent agitation.

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Did these statutes, then, substantially dispose of the whole matter? They permit slavery in Utah and New Mexico. The 3,000,000 slaves will become 6,000,000. What is this but to postpone the question till it shall come up in a more serious form? Can we treat it as so fairly settled now that no questions shall be asked when old Texas shall be cut up into States, or new ones made of new Texas, and New Mexico? Massachusetts may think it worth while to consider her resolutions. If this be so settled, as is said, why shall we not so say, even re-enact an ordinance of providence, if need be, to prevent agitation? (Cheers.)

Meanwhile, if peace exist, what is to be the policy of the country on other matters? Is cotton to be thought of in legislation. Is the nation to consider the sugar or rice interests? It is well to consider whether it be possible to secure quiet? At the bottom of the questions, on which the welfare of the great interests of the country depend, lies and will lie, till it be settled, in fact, and not labelled "not to be agitated," the question of American Slavery. (Cheers.)

If the slave bill be found to be a dead letter—as I trust God it may be!—if it be even set aside as unconstitutional or void, as in its whole spirit in violation of the general course of the laws of the land, will there be quiet? Will there be quiet if that law be constantly or frequently enforced? Look at the facts here in Massachusetts. Let us see who is to blame in this matter.

Massachusetts courts had always recognized the laws of the Union. They held that a master or his agent had a perfect right to seize his slave in our borders. The courts had once and once again given up slaves. The State was forced, when it saw how the process of the law was abused, when it was plain that any tipstaff could be hired, by the hunter, and under color of law, on some feigned charge or otherwise, to hustle away any one, so that no inquiry could ever be made whether he was slave or free, to prohibit its officers from this work. I know the cause of that bill. I have its first draught. It was passed in good faith to prevent wrong. It was to its honor it did so. But the federal courts were open, and the common law rights remained

The slave bill was passed! Was it a just law, made and to be used as one of a series of measures that ought to be left to their quiet course, and not discussed for fear of agitation? It seems to have been framed with a view to offend the people by shocking their sense of justice, and violating all the settled forms of proceedure! (Cheers.) It was enforced as if designedly to taunt and exasperate them. A "boy" escapes through the court house door and half a dozen hands, with less noise than attends the seizure of a barrel of rum, and within three days as solemn a proclamation issues from the capitol as if a British fleet had entered our harbor! (Laughter and applause.)

Why was this hasty and harsh proceedure against the counsel of one about to be doomed to worse than death? Humanity cried, Give him a fair chance. It would to a beast! Never before need a man fear in Boston for a defender. (Applause.) The British soldiers who shot down your citizens in State street had a fair trial. Your Quincys, your Adamses, your Lorings, Sumner, Dana, Hale, Rantoul, have been honored by such advocacy! (Hearty applause.) I like the noble judgment of Dana, "If ever it is honorable for counsel to volunteer, it is in the defence of one claimed as a fugitive slave!" (Applause.) But Morris was singled out for defending one of his own blood! (Sensation, and cries of "Shame! shame!")

Why this unwonted zeal? Why this parade of needless force? Why these chains and these armed men? Is that the way to sue for peace? Who is it that has made this agitation? Having before periled something for peace, I have a right to speak of this. It is time this current were set back, and the blame laid at the right doors. (Cheers.)

Who is it that has shown a disposition to break the laws? Those, it is said, who opposed the slave bill. I deny it! I do not deny that there were individual instances of men ready to resist, of men who tried to create resistance. But the great mass of those opposed to its enforcement were determined not to resist, or trample on the laws. Three thousand men were assembled in Boston at a time when, if they would ever resist, they would have acted and been driven to act, for they had everything to excite them, and power that could not be withstood. But their counsels were for peace, because they knew there was a remedy for the wrong in the ballot-box! (Hearty cheers.)

Will Massachusetts be silent if her sailors be seized? Will she ever cease to claim the common course of the law on her own ground and for her own citizens? Can she forget the first sentence of her general law that exists, passed more than two hundred years ago?

"The free fruition of such liberties, immunities and privileges as humanity, civility and Christianity call for as due to every man in his place and proportion, without impeachment and infringement, hath ever been and ever will be the tranquilitie and stabilitie of churches and commonwealths. And the denialt or deprivall thereof, the disturbance if not the ruin of both."

But Massachusetts will not forget that, as part of this Republic, she has something to do besides claiming her own rights and securing her own interests. She believes the great nation has duties to do, honor to guard, conscience to listen to, and a judgment to meet. Believing that moral responsibility attaches to states as to men, she feels that she must act! (Cheers.) Save within the existing limits of the Constitution, she has not the right to refrain from acting. The same rules that bind her to ensure protection to each of her own citizens, oblige her to strive to give the like protection to every man within the reach of the national government. (Cheers) She cannot be indifferent to the national honor. It is her own. She cannot disregard the judgment of the world on her country. It is her own glory or her shame. She feels bound as a Christian commonwealth to act. She feels, too, that she has a right to call on the rest to act, because by the original compact all agreed to co-operate in good faith for one common end—"to secure the blessings of liberty." (Cheers.)

Who can regard this cry silence but as a plan of the parties. Naturally enough do they wish to preserve their nationality. They are struggling for place. The prizes are great. The means are fit. The end certain. To us it matters little which is the winner in the game Timid, distrustful, disingenuous, these parties stifle principle with party zeal. They do as calm lookers-on predicted they would do,—set aside all their great statesmen and civilians. One selects a candidate for neutrality, another for military glory.

But what shall those do who do not strive for place, but who will have some power in the Government? Band themselves together. Keep just so much strength as will enable them to coerce the respective parties to act. Hold the balance of power, and strive less for the reins of government, than to give it direction. (Cheers.) They must rise above the din of party strife. Following no popular candidate, carried away neither by love of glory or idolatry for greatness of intellect, let them fix their hearts always on the simple truths to which all parties and institutions must surrender at last! (Cheers.) Adhering to these with single-

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ness of purpose, they may carry their country safely through the greatest trials and dangers! (Applause.)

The battle is not to be to the strong. On every page of our history it is written, "count not numbers, but be true to liberty and to law; stand fast and fearless ever for your rights! Sacredly regard and secure the rights of all beneath your shelter! Fear not for the issue!" (Prolonged applause.)

Never, never, be threatened or bribed into silence! You are the sentinels on the fortress of liberty! Truth, honor, duty, demand fearless, open speech, honest and perpetual advocacy, unflinching labor and uncompromising integrity; and they *must* conquer! (Reiterated applause.)

Toil on then! speak on! strike on! You have power in, you have power over, the parties! Above the transient clouds, over their strife, is the sun still shining in Heaven! (Cheers.) Would you enter the ranks of either of the parties, and keep silence. ("No! no!") "No," you cry. No! never enter the portals whereon men write the fatal inscription which he saw who entered the realms where eternal silence ought to reign. "*Lasciate ogni speranza.*" Hope will remain with us when all else shall have fled! And whilst Hope remains we *will* work and speak! (Enthusiastic and long-continued applause.)

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SPEECH OF

HON. ANSON BURLINGAME.

Mr. President:—For the kind manner, sir, in which you saw fit to allude to my associate and myself, I can but simply return you my thanks. For my part, I did not deserve it; but venerable man, I will try, in the future, to deserve it (cheers;) and to so wear it, that these who are generous, brave and [looking at the ladies] beautiful, shall never have occasion to reproach you with having tendered praise to one unworthy of it. (Loud cheers.)

Fellow Citizens:—For this kind manifestation of your regard, I return you, also, my sincere thanks. Your greeting is generous; your applause is like the inspiration of the bugle-blast to the young soldier when he passes for the first time under fire. (Applause.) But as silent gratitude is better than the voice of open praise, I shall say no more in that direction.

I have come up here to old Faneuil Hall to speak my views upon questions of public policy, so that you, whose right it is to know them, may determine how far you ought to sanction them at the electoral urns. Standing upon the views which I shall express, all I ask of you, or of any body else is, a fair field and no favor. (Cheers.) Before, however, I shall give them expression, let me say a word touching the canvassing system we have adopted; not to defend it, for it needs no defence. ("No," "No!") It has its sanction in almost general usage. It has made its way into nearly every State in our Union, and it has at length invaded the Old Bay State with its stirring influences. (Cheers.) But it is not because of general usage, it is not because it has been vindicated by the practice of some of the ablest men in Massachusetts—and by none with more ability than by him who sleeps this night in his new made grave, in his native town, among the humble fishermen to whom he gave the last efforts of his brilliant life. Not because of these things do we commend it: but because it is right; because it is a manly and fair system; because it does not admit of dodging, of disguises, of timidity, of trimming, and of subterfuges, but requires that a man shall stand up face to face with the electors, and answer aye or nay upon the questions at issue; leaving it to the quick instincts of the people to determine, in the first place, whether his views be right, and, in the next place, from his bearing and the accent of his voice, whether he is a man who will be likely to stand to his views in all weather. (Loud cheers.) If a man be but a true man, like unto these [looking at Messrs. Buckingham and Ellis] the people will carry away in their memory the melody of the eloquence they have heard, and the light of the faces they have seen. (Renewed cheers.)

I am glad that the canvassing system we have adopted is commended and approved by our opponents in this district. The leading paper of the opposition has declared that its adoption by us showed that our people had faith in their candidates and their principles; but, at the same time, it very gracefully withdrew its candidate from the field, because (I use its own quotation,) "he is no orator, as Brutus is." (Loud laughter, and cheers.) Now, fellow citizens, I have a better opinion of its candidate. I believe it is in the power of every man to state the faith that is in him, though he may not be able to give a reason for it. (Enthusiastic applause.) Well, fellow-citizens, I here extend an invitation to our opponents in this district, to come, with their friends, to meet my friends and myself at the meetings which have been appointed for me, or at the meetings we may agree upon, to discuss our principles before the electors of this District; and I promise them, on the part of my friends, a fair and candid hearing. (Great cheering.) I know, fellow-citizens, the great delicacy of their position. (Laughter.) I do not know that it is right in me, in full view of that position, to invite them to violate their faith. Is it not true that they stand upon platforms which pledge them, on the one hand, to "resist" and on the other to "discountenance," agitation? (Cheers.) Now, if they take the stand with us, why, the very first thing I, for myself, would do, would be to bring into discussion the very questions upon which they are pledged to silence for ever. The Fugitive Slave Law should be the first thing brought before you. (Applause.) I would examine it, letter by letter, word by word, sentence by sentence, from title-page to colophon, and would ask them to defend or to disavow it. I think, before we should have finished the discussion, there would be created an agitation such as nothing but storm-birds could survive. (Loud cheers.) O, if they will but come! (tumultuous laughter and applause,) and bring with them the "Young America" side of their parties—the young Whigs and the young Democrats, that I may have but one hour to commune with them. Though it might not be of much benefit to me, individually, it would be a delicious delight, an exquisite luxury, to pour out my soul into theirs. (Great cheering.)

Gentlemen, the field has been pre-occupied this evening; I shall be but an humble gleaner. The anti-slavery side of the question has been ably discussed. With your leave, I will now, having offered these remarks, in their nature preliminary, proceed at once to present my views upon those questions of commercial policy which have risen to the dignity of national inquiry.

In the first place, the tariff. Do not be alarmed, for I promise you that I will not detain you with an elaborate speech on that subject. It has been discussed to death in Massachusetts. It has been

the stalking-horse of one party for a quarter of a century. But it is a question of deep interest to the people of Massachusetts, and it must be met Well, then, these are my views. In the first place, as an abstract proposition, an intellectual theory, I am in favor of unlimited free trade. (Prolonged cheers.) I would, if I could, remove every custom house in the world. (Cries of "Good," "good!") Free trade is the true principle toward which a nation should advance as speedily as possible. I would also, as an abstract proposition, be in favor of a resort to direct taxation to meet the expenses of the Government (Cheers); because, with that system, the people would see to it, that the Government was carried on, at least, upon principles of economy. But, gentlemen, the realization of these intellectual theories is in the dim distance, away off in that "good time coming" of which poets sing.

A VOICE—"Have the Whigs heard from Pennsylvania?"

Mr. BURLINGAME.—I had reserved that question, so that if the Scott men said anything here tonight, I might ask them if they had heard from Pennsylvania; (Cheers and laughter) and if the Pierce men spoke, I was going to ask them if they had heard from the Congressional elections in Ohio. (Renewed laughter and applause.)

Mr. B. continued—These are my views; knowing that the world is not all for free trade—and that individuals, and sometimes nations, are not quite all as honest as they should be — that we are now in a state of partial conflict with them, while I would keep in view free trade as an ultimate desirable result—as a practical man, seeing the requirements of the present time springing out of present relations—I would so far conform to them as to insure the safety and prosperity of our own immediate interests, doing no wrong to others. And having in view the fact that all parties, my own among them, favor a tariff for revenue, and to pay the nation's debt, it seems to me the practical question to be decided is, not whether we shall have a tariff, but how it shall be laid. Now, while I would not alter much the rates of the present tariff, I would substitute for the present *ad valorem* system, *home valuation* and *specific duties*. (Loud cheers.)

I know my party differs on this subject; the Whig party and the Democratic party are divided upon it; but I would do it, to prevent the frauds practised under the present system. For it is true, that with every cargo of goods that enters our ports from across the water there come invoices, black with fraud as the ink with which they are written. I stand in this position; advancing toward free trade as fast as practicable; I stand with that hardy Democrat who dwells on the sunset side of the father of floods, and who, taking the stump in opposition to factions, in opposition to caucuses, swept his district, with a victory, the notes of which still resound in our ears. (Loud cheers.) I mean the Hon. Thomas H. Benton, of Missouri. (Renewed cheers.) But it is not because these views are sustained by the weight of his great name, that I maintain them, but rather because they meet the approval of my own judgment.

Well, gentlemen, holding these views, had I the power, I should try to realize them in a practical result. But I will tell you what I would not do. I would not beg for it; nor go down into the dust for it; nor consent to sell my soul for it. (Cheers, and cries of "Good!") I would not dishonor my constituents for it. Nor, if the leading men of other parties should offer me a fair tariff, would I reject it, with the dim hope of making capital for my party out of the depressed condition of American labor, or out of the cupidity of its employers. Nor, after having roused the conscience of a great people, in opposition to the annexation of a Slave State, would I turn directly round, because Mr. Walker, of Mississippi, had intimated that upon the successful issue of the Texas annexation scheme the matter of a tariff depended; and thus submit myself to the mortification, by a kind of poetic justice, of seeing a great interest, for which I had sold my principles, stricken down, solely by the votes of the Texas Senators—whom every sacrifice had failed to conciliate—nor would I vote for bills execrated by my constituents and abominated by myself, because Mr. Berrien and Mr. Mangum intimated, by letter or by word, that upon the settlement of a vexed question depended the success of a tariff, and that when that vexed question was settled, a tariff would come; that then the Northern lamb and the Southern wolf might be at peace again. (Laughter and applause.)

Now, fellow-citizens, you know very well to what persons, and what parties, I allude. You know what powerful narcotics were administered to the already drowsy Northern men, about the time the Compromise bills, so called, were winding their slimy way through the Capitol, over the prostrate Constitution of our country. (Cheers.) You know what tariff was offered and rejected, against the sagacity of the great New England statesman. You know the men who, after leading the opponents of Texas annexation, turned right about, and favored the annexation. You know the "Optimists and Quietists," as Mr. Webster called them, who, after pursuing this delusion of a tariff until they were weary and foot sore, deserted him, in 1848, as he now deserts them, causing him to cry out in agony of spirit, "There is no North," as he may now cry out, in agony of spirit, "There is no South!" (Laughter and cheers.) Well, gentlemen, with all this desertion of principle, and treachery to men, the great question which leaps to my lips, and which I will put to these gentlemen, is, "Where is your tariff?" ("That's the question!") Yes, that is the question. (Laughter.) It is written, "What doth it profit a man if he gain the whole world and lose his own soul?" How much poorer is the speculation, when he loses the profits of the world and his soul together! (Great cheering.)

Now, I would submit to these gentlemen, with due regard for their wounded sensibilities on this subject, (laughter,) I would submit to them in the mercantile language of the day, that selling one's self to the gentleman in black, and getting cheated at that, "does not pay." The conquering of our New England prejudices in favor of liberty, "does not pay." It "does not pay," I submit, to put our fellow citizens under practical martial law; to beat the drum in our streets; to clothe our temples of justice in chains, and to creep along, by the light of the morning star, over the ground wet with the blood of Crispus Attucks, the noble colored man, who fell in King street, before the muskets of tyranny, away in the dawn of our Revolution; creep by Faneuil Hall, silent and dark; by the Green Dragon, where that noble mechanic, Paul Revere, once mustered the sons of liberty; within sight of Prospect Hill, where was first unfurled the glorious banner of our country; creep along, with funeral pace, bearing a brother, a man made in the image of his God, not to the grave—oh, that were merciful, for in the grave there is no work and no device, and the voice of a master never comes—but back to the degradation of a slavery which kills out of a living body an immortal soul. (Great sensation.) Oh! where is the man now who took part in that mournful transaction, who would wish, looking back upon it, to avow it. It did not make a President, it did not give a tariff, it did not increase the business of Boston a single dime. (Loud cheers, and cries of

"No," "No!") Gentlemen, I think, if I had the honor to represent you, (You shall!) and felt it incumbent on me to favor the adoption of a tariff, I would urge it upon its own merits; I would demand its consideration as a right, and not as a favor; and then I think I should stand more chance of attaining the end in view, than by by bowing my forehead into Southern dirt. (Cheers.)

There is another question—I hope you will bear with me while I consider briefly these dry yet practical and important questions — relating to *internal improvements* — improvements of rivers and harbors. ("Yes.") I have a right to speak on this subject. I believe that the power to make them is clear. I believe that it ought to be exercised, not for local advantage, but for the general good. (Cheers.) You of Boston have a great interest in the commerce of the lakes and rivers. What city has a greater stake in the vast commerce of the West? What a larger interest in the railroads of Michigan and Illinois, in the copper mines of Lake Superior, in the flood of goods responding to the corn, the cattle, the wool, and the twenty-five millions of bushels of wheat on their way to tide water every year? (Cheers.) The necessity of these improvements we have in the great loss of property every year; and oh, if the dead could speak—if those who have gone down beneath the turbulent waters of the Mississippi, and the stormy lakes, could give their testimony, what evidence should we have of their necessity! The West has been neglected in this respect. When its forests blazed with battle-fires, when the scythe of death hung upon its borders, it received but grudging aid; but still its sons have been loyal; they have met every trial and every danger without repining, and when their country, which had neglected them, was assailed,—seeing in her but the stern mother they should cherish,—they were the first in the field, and under the gallant Jackson, and Taylor, and Harrison, and Scott, they crowded the way to death as to a festival. (Cheers.) The last war with Great Britain, the recent battle-fields of Mexico, attest the steady valor of Western men. Yet, with all this devotion to country, they can point in all their history to but one great public work for their advantage—the Cumberland Road. While they have poured into the country one hundred millions of dollars, and paid, without a murmur, their proportion of the expenses involved in the fostering of the Atlantic commerce, the Western commerce, which is vaster by far, has been neglected.

These men desire some protection from the Government, and I am glad of this opportunity to stand up and say something for their interests. I know very well that there are many along the lakes, and along the mighty rivers of the West, who will be glad to hear that the child of their care, that one who stood with them in the smoke and fire of the early settlement, here, in the city of his adoption, in old Faneuil Hall, when stirring recollections of early life crowded home upon him, stood up and said a word,—humble it may be,—for them. (Warm applause.)

There is one other subject, to which I hope you are not indifferent—the disposition of the public lands. I am in favor of free farms for free men. (Great cheering.) In favor of land for the landless. In other words, in favor of giving the public lands to actual settlers; (renewed cheers;) of saving them from the grasp of speculators, and submitting them into the hands of honest labor. (Cheers.) The Government does not need them; its treasury is overflowing, and how else, I ask, is the poor man to get land in this country? How, I ask, are the thousands who are coming every year, from over the sea,—and, O, let them come!—how are these men, with scarcely money enough to land at our wharves, how are they, in a crowded city, where their labor is almost a drug, because of competition, how are these men to maintain their little families, and acquire an amount of money necessary, in the first place, to take them to the West, and in the second place, to pay the large price they will have to pay to Government to get their land? If they knew before they started from old Ireland, or Germany, or England, that the Government would give them land, they would prepare themselves for it, and through the aid of their neighbors and friends, they would soon be able to plant themselves on their little farms, adding strength and glory to the country. (Loud cheers.) This policy is demanded as well by the principles of sound statesmanship, as by the higher considerations of humanity.

There is one other subject, and it is of vast importance to Boston and to New England—*Reciprocity with the Canadas.* (Cheers.) Long ago this country invited reciprocity in navigation with the world. The world rejected it. Recently, England has accepted the offer, and thrown open her ports to our shipping, and now our swift-sailing packets flutter their white wings in victory, in London the capitol of the world. (Enthusiastic cheers.) This reciprocity is tendered, not by us, but on the part of the Canadians themselves. They have urged it, and our merchants have urged it. A bill of this character passed the House of Representatives at a recent session, but was defeated in the Senate, where a sectional despotism bears too much sway, and always comes down like a hammer on Northern interests. (Applause.) I am in favor of this measure, because, with it, we should have unlimited free trade with the Canadas, such as we have with Louisiana. The Canadian canals would be opened to us. The waters of the St. Lawrence would be free to us, so that our lake shipping could take to the broad ocean, and be employed all the time. We should have two millions of the best customers in the world, coming in no way into hurtful competition with us—furnishing a trade not of six millions, but of many millions; and Boston, the pride of our hearts, would export not one million to them per annum, as she now does, but many times that amount, and thus would become the commercial metropolis of five millions of the most industrious people dwelling under the light of the whole heavens. (Cheers.) The railroads which come to us, touching at different points in the Canadas—the Ogdensburg, those to Montreal, and the North American, now under contract, almost to the snows of Labrador—would take away our manufactured goods, and bring in return the wood, the wool, and the countless products of the forests, the coal, the gypsum, from the Canadas, deliver them at deep water in this district—at East Boston—and the result would be that a new impulse would be infused into every artery of commerce, and Boston would indeed become the city of merchant princes. (Loud cheers.) I am in favor of it, for another and a higher reason. I am for it, because it would quicken the sympathy between us and Canada. It would so operate upon the respective countries, that soon these two people, "like kindred drops, would mingle into one." (Great cheering.)

Now, let me announce here, that I am in favor of the annexation, and ever have been, of the Canadas, for their good and for ours, and for the good of old England. The London *Times* favored this some years since. I wrote one of the first articles for the newspapers that was ever published, I believe, in favor of that annexation. For many years of my life, I lived where, every morning, I heard the blast of the British bugle, and saw the military evo-

lations of her troops. The sight was hateful to my eyes, and the sound was not pleasant to my ears. It was a manifestation of British power and authority too near to gratify my republican feelings. (Cheers.) Some Western orator I have heard of, once said, in his grandiloquence, "There is no such country as England. I hunted for it a whole week, with my dog Airthquake, (as he called him) and could not find it—it has been annexed." (Laughter and cheers.) I submit, in opposition to the orator, that there *is* such a country, that it has large possessions on this continent; that it has too much to do with the politics of this country. My hope is that I may live—and I believe I shall—to see the day when no foreign drum-beat shall be heard on the American continent (great applause); when the foot of no foreign soldier shall tread its sacred soil (renewed cheers); when no man will have to say on what particular point of the American continent he dwells, to indicate his nationality, but when the proud title of American citizen shall be an assurance, all over the world, that he is a member of the great Western Republic. (Repeated cheers.) As we have extinguished Spanish titles and French possessions on this continent, I hope that we shall extinguish as peacefully, Russian and British possessions, so that the gorgeous banner of the Republic may wave its protection over an American citizen, not only on the shores of the distant Pacific, in the delta of the Mississippi, on the coral reefs of Florida, but from the bastions of Quebec, in the Bay of Chaleur, on the banks of the Chaudiere, the St. Lawrence, and the Ottawa.

Fellow citizens, a word further with regard to Annexation. Loving the institutions of our country, can it be otherwise than gratifying to see them embraced by a people in affinity with them? But, remember, all the institutions I love are free institutions, and the standard of the country should advance only upon the unalterable condition, that it wave its protection over free territory and over free men. (Prolonged cheers.)

I am in favor of the recognition of the independence of Hayti. (Great applause, followed by three cheers.) I am against allowing a wicked and foolish pride on the part of the South to interfere in this question any longer, to the great injury of our large and rapidly increasing trade with that island. (Cheers.)

In regard to Cuba, which looms up in the distance, and seems to be the salient point for Slavery at present, I think the South will overreach itself by the annexation of Cuba; for if Cuba come by purchase, which is the peaceful way, then the large foreign slave trade carried on there must, under our laws, become piracy, and Cuba would come with its present system of slavery, which is a very different thing from Carolinian or Georgian slavery. It is a system of gradual emancipation under Spanish laws, and besides, the introduction of Chinamen in large numbers into that island, threatens to do away slave labor altogether. If it is to come by conquest, then that "gem of the Antilles" will come wet with its defenders' blood; for the Spanish Government has intimated that the moment a revolution or invasion shall give promise of success, that moment the fetters of the slaves shall fall. (Great cheering.) And I say that, in the face of the civilized world, it would be as impossible to reduce those men again to slavery, as to force back the stately oak into the acorn whence it sprung. (Cheers.) I see not, floating over Cuba, the dark and dismal clouds which some see; but, for myself, I would stand against its coming as long as I could stand in my shoes, if it did not come as free territory. Prolonged cheers.)

I am for the annexation of the Sandwich Islands. (Cheers, and cries of "good.") I will tell you what I mean by that. The Sandwich Islands command the peaceful Pacific. They are of as much value to our commerce as Cuba. They are to supply California. They are of vast importance to our whale fisheries and to our commercial interests. Well, being thus important and thus valuable, what will you think when I make this statement to you: So late as one year ago last June, partly through the efforts of some of our ablest Boston business men, and especially of one of the shrewdest of them, who has been long in the trade of the Sandwich Islands, and a resident there, the consent of the Government of those islands was obtained to allow them, like ripe fruit, to drop into the lap of this great confederacy. Our Consul there, himself came to Washington, to urge that proposition. What do you think the government said? Well, it said it could not entertain the proposition, because *it would re-open the Slavery agitation.* (Loud laughter.) Thus, again, see the Slave Power rising up to smite down with its mighty power our commercial interests.

What are we to think of such an administration as this? Does it represent the commercial or the more manly interests of the American people? (Cries of "No," "no!") No, it does not. What are we to think, we, who are but just entering upon the great race for commercial empire, of a government that will sit supinely down and let every island in the Pacific be taken off either by France or England? England, our great commercial rival, is taking possession of the continents, and all the isles of the sea. She looks frowningly upon us from every point of command on the face of the globe—she is at the Equator, and she guards the passages around the great Southern Capes; in the Mediterranean, and, spread over all India, occupies Ceylon, and the whole of Australia, to which she is sending her floods of emigrants to control the Chinese seas. And yet we are in the habit of talking immensely large about our anticipated commerce in the Pacific, when this mighty lion has set himself right down by the very pathway of that commerce, when we have not even a coaling station for our steamers, no place where the weary wing of our commerce may find rest, in the whole ocean. (Cheers.) Of what benefit, then, is it, if the genius of Boston shall send forth its flying squadrons over the ocean, if they may be brought down by foreign cannon while on the wing! (Loud cheers.)

I should be glad to speak in detail of our fishery troubles, but there is no time. The fisheries are, to use the words of Fisher Ames—who was the first representative from Boston to Congress, under the Constitution—of "momemtous importance," and for their protection and safety I would lend the whole power of the Government. The French wars were fought, and we have fought two wars with England, and those rights have never been yielded. I would not yield them now—certainly not under menace—(cheers) not going back with Adams to vindicate our natural right to them, or right because of vicinage, as I might, I would maintain them upon a fair construction of the article adopted by the Convention of 1818—a construction acquiesced in by England for more than thirty years. Her headland theory would annihilate our fisheries, *and it must* be resisted even to the hazard of war. (Great cheering.) In all times, in the great wars between England and Holland, and in all wars between civilized people, fishermen have been allowed to pursue their hardy calling unmolested; but now what do we see? A nation with which we are at peace, almost without notice, darkens our coasts with her fleets, points her guns at our fishermen, interrupts them, and indeed seizes their

property and menaces their lives, and that in direct violation of our rights as we understand them, and as as we have maintained in discussions, and which have been admitted in our practice. Shall we submit to this? ("No! no!") No, never.

It is said this question is settled. It is not settled. The last news is that our fishermen are insulted with impunity—but insults are common now. There is no Jackson alive; (cheers) the Spaniard insults us at Cuba, and the British insult us in our own waters, (shame,) and we have no redress. Is it not about time to install an administration that may but dimly comprehend our interests and our honor? ("Yes.") I look upon our fishermen as our resource in peace and our defence in war. (Cheers.) It was to a Marblehead fisherman that the enemy's flag was first struck on the ocean in the revolution. (Cheers.) It was a Nantucket fisherman who first sailed with our stars and stripes to the Thames, and waved the "rebel flag" in England, calling out all London to see it. (Cheers.) In the last war they were on every victorious deck, on the "old Ironsides" in her glory, and I may safely say that no ship manned with New England fishermen, ever struck its flag to an enemy in battle. (Cheers.)

I suppose that here I ought to close. ("Go on!" "go on!") I had intended to say a word or two in regard to the candidates in opposition to myself. Of one of them, especially, did I intend to speak. Not of his private life, or of his private relations, these are sacred to me; but of his public record. I shall not enter on this subject now; I will examine it on another occasion. I will simply say, that his votes stand recorded with the South, frequently against his own party in the Old Bay State. I admire the boldness with which he placed his votes there, for courage is a glerious thing, and not too common in our Massachusetts delegations. (Cheers and laughter.) He is a gentleman every way worthy of your consideration. He is a man of excellent character and large wealth. He won it fairly, I believe he wears it gracefully; and I am not the man to come here and talk about the cotton lords. I recognize none, and I despise the demagogue who would try to array the rich against the poor. (Cheers.) Honest labor would look up from its hardy toil and rebuke me. All that working men require is fair play, (A voice—"That's it!") and that they will have. (Cries of "We will!")

On the subject of Slavery—and I have come to that—I stand with the fathers of the Republic—with Washington, and Jefferson, and Madison, and Jay, and Franklin, in considering it an unmitigated evil. (Loud cheers.) So long as the life blood flows in this bosom, I will oppose it. (Renewed applause.) I shall speak of it whenever, and wherever, and however, I choose. (Repeated and long continued cheers.) I would not bring political power to bear upon any of the rights of the individual States. We have no more to do with slavery at the South, so long as it behaves itself, and minds its own business, than we have with bigamy in Turkey, or with cannibalism in the Fejee Islands. I leave it to blacken and blast the people who cherish it. I would build around it the hot fires of freedom. I would not invade its territory, but only on this unalterable condition, that it minds its own business. When it invades our freedom, it invites us to invade its slavery. I say to the slaveholders, Beware! I admire their quick courage, and I admire their spirit; but I tell them not to judge us by the servile men we have sent to Congress, for if they but touch the hem of the garment of Freedom, they will rouse such a spirit as struck down their chivalrous ancestors at Naseby and Marston Moor. (Great cheering.)

Standing with the fathers in considering slavery an evil, I stand with their sons as to the remedies to be applied; with the sons of Massachusetts, of the now opposing parties—with Walley, when he wrote the letter, now in our possession, to the anti-Texas Convention which assembled in this Hall; with Walley, when he wrote his letter to Mr. Winthrop, sympathizing with him for standing up in the Senate for the rights of our colored citizens in South Carolina, with Judge Barton, of the Worcester District, when he stood up in a Convention to "*execrate*" the Fugitive Slave Law; with Bell, another candidate, when he "*abominated*" it; with Briggs when he "*loathed*" it; with Mr. Stevenson, of this city, when he wrote a series of articles for the *Traveller*, against the doctrines of the 7th of March speech; with Choate, the gifted and the eloquent, who adds to the logic and fire of his great master, (pointing to the portrait of Webster,) the poet's gift, a gorgeous imagination, with eagle wings (cheers;) with him, when he declared that Mr. Webster himself, committed to proslavery views, could not receive the support of Massachusetts, when he described the friends of slavery as "land jobbers" and "flesh-jobbers;" with Webster himself, at Marshfield, at Springfield, at Plymouth Rock, at Bunker's Hill, and in the Senate of the United States, when he expounded the Constitution in language immortal as our mother tongue. (Cheers.) That is my Webster, [turning to the portrait behind him,] the idol of my early days. I clung to him with chivalric devotion, and I would stand by that Webster forever. The scene and the man become this place. But what artist will depict the scene witnessed on the 7th of March, 1850? Who would desire to see it in Faneuil Hall? The poet shall never sing of it, no divine genius of an Angelo or an Allston, shall ever spread it out on the glowing canvass; and a generous American people, proud in its recollections of him, will try to blot it out from its memory forever. (Loud cheers.)

A Voice—Mr. Webster is sick.

Mr. Burlingame—My friend exclaims that Mr. Webster is ill. I am sorry to hear it. Indeed, my soul was saddened this afternoon when there came tidings from Marshfield that soon the Angel of Death might flutter his dark wing over the mansion of the great New England statesman. (Sensation and deep silence.) The cares of life are over for him; the hurly-burly of this night, in the streets of Boston, and the political storm now raging in the country, will not disturb his solemn reflections. I pause at the bedside of death. No word shall escape my lips here to-night to wound one friend of his! (Increased sensation.)

Fellow citizens, against the parties which have planted themselves—or, rather the party, which has planted itself on the Fugitive Slave law, as its corner-stone, we, of Young America, will strive with still increasing enthusiasm. (Cheers.) We are against that party. We are against it, because it strikes down the great proviso of freedom, and offers its protection to the foulest and most monstrous system of tyranny that ever trod on the necks of men in any age of the world. (Applause.) I am against the compromises; indeed, they are no compromises at all; they have not a single quality entitling them to that designation. They were passed as independent measures. The original Compromise bill failed. The separate bills, through the timidity of some, and the treachery of others, and by the aid of the votes of many who had been rejected by their constituents at home, were finally carried. There they stand on the statute book, like any other enactments, with nothing sacred about them, but subject to vicissitudes in time, and the changes of party, and to modification or repeal,

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the limits of the book would admit. This portion is also to be read by the instructor, or by some one under his direction.

The Lord's Prayer is then to be recited by all the pupils in concert, following the instructor.

No other form of prayer has been introduced, because, in the judgement of the compiler, this is sufficient; but, if any teacher, who may use the book, should think otherwise, he can introduce any other, that may seem to him to be more appropriate.

In many of the towns in New England,—probably in most of them,—the instructors of the common schools are required to open them every morning with a devotional service,—a prayer, or the reading of a portion of the Scriptures. To what extent this requirement is observed, is not known; but, within the limited experience of the compiler, its observance is neither regular nor extensive. Many of the instructors are young, and many, also, are females, who, not having been accustomed to such an exercise, feel an awkwardness in attempting it, which is difficult to be overcome. It is obvious, too, that while the instructor is engaged in prayer, the pupils are not subject to his immediate supervision: their eyes and their thoughts are frequently diverted from the act of devotion, and it is not unreasonable to suppose that some may treat it with levity or disregard.

This book offers a remedy for both of these difficulties. The teacher, who may use it, will be relieved from any embarrassment, that might arise from the attempted performance of extemporaneous prayer; and the pupils generally, will be sufficiently interested in the exercise, to give to it a serious and respectful attention. It will be perceived, also, that the book may be used without the participation of the teacher, and that, if the reading of the leading portion of the exercise should be performed by an advanced pupil, the teacher may, in the meantime, see that proper decorum is observed.

But should the book be deemed entirely superfluous in respect to the peculiar object, the compiler has in view, it may possibly meet with favor from some, into whose hands it may

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Boston, March 15, 1842.

Sir:

I take the liberty of enclosing a specimen of a work, which I have prepared for the press, and which I propose to publish, if the opinions of those, to whom the specimen is sent, should concur with mine, in the belief that it may be usefully and properly introduced into Common Schools. It is presumed that the Preface contains all the explanations concerning its purpose, composition, and arrangement, that may be deemed necessary. My object in addressing you is not to obtain a complimentary notice to lay before the public; but to ask your candid opinion of the utility of such a book, and of the probability of its gaining access to public favor, in order that I may judge for myself of the expediency of hazarding the expense of its publication.

Respectfully Yours,

JOS. T. BUCKINGHAM.

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1850.

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DEVOTIONAL EXERCISES

FOR COMMON SCHOOLS.

G. T. Buckingham.

I.

THE fear of the Lord is the beginning of knowledge.

My son, hear the instruction of thy father, and forsake not the law of thy mother.

If sinners entice thee to sin, consent thou not. Walk not thou in the way with them; refrain thy foot from their path: For their feet run to evil, and make haste to shed blood.

¶

Teacher. Give ear unto my words, O Lord; consider my meditation.

Pupils. Hearken unto the voice of my cry, my King and my God, for unto thee will I pray.

T. I cried unto the Lord, and he heard me out of his holy hill.

P. I laid me down and slept: I awaked, for the Lord sustained me.

GREENFIELD:
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T. My voice shalt thou hear in the morning, O Lord:

P. In the morning will I direct my prayer unto thee, and look up.

T. For thou art not a God, that hath pleasure in wickedness:

P. Neither shall evil dwell with thee.

T. The foolish shall not stand in thy sight:

P. Thou hatest all workers of iniquity.

T. Lead me, O Lord, in thy righteousness:

P. Make thy way straight before my face.

T. Let all those, that put their trust in thee, rejoice:

P. Let them, also, that love thee, be joyful in thee.

T. For thou, Lord, wilt bless the righteous:

P. With favor wilt thou compass him as with a shield.

¶

It came to pass in those days, that there went out a decree from Cæsar Augustus, that all the world should be taxed; and all went to be taxed, every one into his own city. And Joseph also went up from Galilee, unto the city of David, which is called Bethlehem, to be taxed, with Mary his wife: and while they were there, she brought forth her first-born

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son, and wrapped him in swaddling clothes, and laid him in a manger, because there was no room for them in the inn. And she called his name JESUS.

And there were, in the same country, shepherds abiding in the field, keeping watch over their flocks by night. And lo! the angel of the Lord came upon them, and the glory of the Lord shone around about them; and they were afraid.

And the angel said unto them, Fear not; for behold, I bring you good tidings of great joy, which shall be to all people. For unto you is born this day, in the city of David, a Savior, who is Christ the Lord. And this shall be a sign unto you: Ye shall find the babe wrapped in swaddling clothes, lying in a manger.

And suddenly there was with the angel a multitude of the heavenly host, praising God, and saying, Glory to God in the highest, and on earth peace, good will to men.

And as the angels were gone away from them into heaven, the shepherds said one to another, Let us now go to Bethlehem, and see this thing, which has come to pass, which the Lord hath made known to us. And they went, and found the babe lying in the manger.

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And when they had seen it, they made known abroad the saying, which was told them, concerning this child; and all they, that heard it, wondered at those things, which were told them by the shepherds.

¶

Our Father, which art in heaven;
Hallowed be thy name.
Thy kingdom come;
Thy will be done on earth as it is in heaven.
Give us, this day, our daily bread:
And forgive us our debts, as we forgive our debtors.
And lead us not into temptation, but deliver us from evil:
For thine is the kingdom, and the power, and the glory, for ever.

AMEN.

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II.

My son, forget not my law, but let thy heart keep my commandments; for length of days, and long life, and peace, shall they add to thee.

Trust in the Lord with all thy heart, and lean not unto thine own understanding. In all thy ways acknowledge him, and he shall direct thy paths.

Be not wise in thine own eyes; fear the Lord, and depart from evil. Despise not the chastening of the Lord, neither be weary of his correction: For, whom the Lord loveth, he correcteth, even as a father the son, in whom he delighteth.

¶

Teacher. Hear me when I call, O God of my righteousness:

Pupils. Have mercy upon me and hear my prayer.

T. O Lord, deliver my soul:

P. O save me, for thy mercy's sake.

T. For in death there is no remembrance of thee:

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P. In the grave, who shall give *thee* thanks?

T. O Lord, my God, in thee do I put my trust:

P. Save me from all them, that persecute me.

T. God judgeth the righteous:

P. God is angry with the wicked every day.

T. I will praise the Lord according to his righteousness:

P. And will sing praise to the name of the Lord most high.

T. O Lord, our Lord, how excellent is thy name in all the earth!

P. Out of the mouth of babes thou hast ordained strength.

T. When I consider thy heavens, the work of thy fingers,

P. The moon and the stars, which thou hast ordained:

T. What is man, that thou art mindful of him?

P. And the son of man, that thou visitest him?

T. For thou hast made him a little lower than the angels:

P. Thou hast crowned him with glory and honor.

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T. Thou madest him to have dominion over the works of thy hands:

P. Thou hast put all things under his feet.

T. & *P.* O Lord, our Lord, how excellent is thy name in all the earth!

¶

Now when Jesus was born in Bethlehem, in the days of Herod, there came wise men from the east to Jerusalem, saying, Where is he, that is born king of the Jews? for we have seen his star in the east, and have come to worship him.

When Herod heard these things, he was troubled. And when he had called the wise men, he sent them to Bethlehem, and said, Go, and search diligently for the young child; and when ye have found him, bring me word, that I may come and worship him also.

When they had heard the king, they departed, and lo! the star, which they saw in the east, went before them, till it came and stood over where the young child was. When they were come into the house, they saw the child and Mary his mother, and they fell down and worshiped him: and when they had opened their treasures, they presented unto him gifts. And being warned of God, that

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he went down with them to Nazareth, and was subject to them, and he increased in wisdom and stature, and in favor with God and man.

¶

Our Father, which art in heaven;
Hallowed be thy name.
Thy kingdom come;
Thy will be done on earth as it is in heaven.
Give us, this day, our daily bread:
And forgive us our debts, as we forgive our debtors.
And lead us not into temptation, but deliver us from evil:
For thine is the kingdom, and the power, and the glory, for ever.
AMEN.

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ADDRESS

DELIVERED BEFORE THE

FRANKLIN COUNTY

AGRICULTURAL SOCIETY,

AT

Greenfield, September 25, 1850.

BY JOSEPH T. BUCKINGHAM.

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ADDRESS

DELIVERED BEFORE THE

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Greenfield, September 25, 1850.

BY JOSEPH T. BUCKINGHAM.

GREENFIELD:
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1850.

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1881, July 19.
Gift of
Chas. W. Stone,
of Cambridge.

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BERNARDSTON, OCT. 10, 1850.

SIR,—

At a meeting of the Franklin County Agricultural Society it was voted that the thanks of the Society be presented to Hon. Joseph T. Buckingham, for his very able, interesting and highly useful Address, delivered before that Society at its first Cattle Show and Fair at Greenfield on the 25th of September, and that a copy be requested for publication.

I am directed by the Executive Committee to communicate to you the foregoing vote and request a compliance with the same. I trust it is unnecessary for me to add that I hope no feeling of diffidence will prevent you from giving publicity to an Address, which was listened to with great satisfaction and which is well calculated to do good in the community.

I have the honor to be,
With the highest respect,
Your Friend and Ob't Serv't,
HENRY W. CUSHMAN.

To HON. JOSEPH T. BUCKINGHAM,
Cambridge, Mass.

CAMBRIDGE, NOV. 7, 1850.

DEAR SIR,—

I have hesitated,—longer perhaps than you may think justified by common courtesy,—whether I would comply with the request of the Franklin County Agricultural Society, for a copy of the Address I had the honor to deliver before them on the 25th of September. It is full of imperfections. It contains nothing new, and, I apprehend, very little that will be useful to the Society, or creditable to me. Agreeably to your solicitation, however, and in compliance with common custom, I transmit to you the original,—such as it was,—encouraged by the consideration that the more numerous its faults, the more abundant will be the grace that takes the responsibility of its publication.

With sincere wishes for the prosperity of your Society, and with true regard for the officers and members, personally,

I am, your friend,
JOSEPH T. BUCKINGHAM.

To HON. HENRY W. CUSHMAN.

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ADDRESS.

Gentlemen and Friends,

An irrepressible desire to revisit scenes, that were familiar to my boyhood and youth, has induced me to comply with the invitation of your committee, and conducted me to your presence. An audience, assembled on such an occasion as this, might expect, from one, who was so ready to run the hazard of defeating expectation, a practical exposition of the principles of agricultural science, or a detail of actual experiments in the various arts and departments of husbandry; or, perhaps, a dissertation on political economy, embracing the subjects of property and labor, the relation which each has to the other, and the connection, which naturally and unavoidably exists between both and the prosperity and independence of nations and individuals. But I hope that no one, here, will anticipate what is not in my power to perform. I make but small pretension to the character of a practical farmer; still less to that of a teacher; and none at all to the possession of any faculty or talent, on which I can build a claim to a professorship of political economy or moral philosophy. The amount of knowledge which I have in agricultural operations, obtained chiefly when I was a boy in one of the roughest coun-

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ties of our sister state of Connecticut,—although somewhat expanded and modified by recent observation in one of the rural regions of our own commonwealth,—can add nothing to the knowledge you have acquired from experience. Though your Society is newly organized and has just assumed the form of an independent corporation, yet most of its members have listened, at one time or another, to learned and eloquent discourses on most of the topics suitable for the basis of an agricultural address, from men whose wisdom and experience qualified them to teach, and whose wit and fancy were brilliant enough to embellish the lessons they taught, with resistless attractions. The field, in which you have invited me to labor, has been so often surveyed by ingenious theorists, and so faithfully explored by practical and sagacious investigators, that any attempt to add to their teachings, would seem to partake of arrogance or conceit. To follow in their footsteps, at a respectful distance, is all that I can promise. The intelligent farmers of this county, I am sure, need no instruction or advice, which I have the ability to communicate; and if, while walking over the path, which those who have gone before me have irradiated with the light of science and decorated with the flowers of eloquence, I should enrich my barren performance with some of their sentiments, or adopt their language to express my own, I rely on your good nature to pardon the offence, in consideration of the poverty and the ambition of the offender.

It is written, that, when, in the beginning, God created the heaven and the earth,—and had caused the earth to bring forth grass, the herb yielding seed and

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the fruit-tree yielding fruit after his kind, and had beheld it and pronounced it good,—he formed man of the *dust* of the earth, and breathed into his nostrils the breath of life, and said,—Be fruitful and multiply, and replenish the earth and subdue it. Behold, I have given you every herb, which is upon the face of the earth, and every tree, in which is the fruit of a tree yielding seed, to you it shall be for meat. And this, too, was pronounced GOOD!

In this simple and sublime narrative of the process of creation, is displayed the mutual relation of the earth and man,—a relation which men of understanding and reflection contemplate with wonder and delight. It describes man as the child of the earth,—her last and noblest production—destined to subdue and improve, to direct, govern and enjoy whatever else she may produce, whether of animal or vegetable life. From her womb he derived his material being, and on her bosom that material being must again repose, as an infant on the breast of its mother.

THE EARTH WAS MADE FOR MAN. Bound, by an eternal, invisible chain, to a central body, around which it constantly revolves, and from which it receives light and heat—enveloped in a viewless abyss of air, which fecundates its surface, and which dissolves, absorbs, ferments or precipitates the substances peculiarly adapted to its action—bringing forth, spontaneously, the "tender grass, whose verdure clothes her universal face with pleasant green; herbs of every leaf, that sudden flower, opening their various colors to make gay her fragrant bosom; the clustering vine; the stately trees, which spread their branches hung with copious fruit, or gemmed with blossoms; hills crowned with

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woods; with tufts the valleys and each fountain side;"—thus lavishly enriched, thus gorgeously attired, Earth, in her primal morning,

> Seemed like to Heaven, a seat where gods might dwell,
> Or wander with delight, and love to haunt
> Her sacred shades.

Thus prepared for the reception and abode of man, the beneficent Creator gave it to him and his seed forever. Man drew his first breath in an atmosphere, kindly adapted to the preservation of his vital powers. His eye first opened on a garden, where grew every thing fit for food and pleasant to the sight, and on a field of azure, where rolled a globe of eternal fire, exactly at such a distance, that his eye could sustain the brightness of its beams. The first imprint of his foot was on a world already inhabited by innumerable hosts of living creatures, over whom he was ordained to exercise dominion, and from whom it was his privilege to receive service and exact obedience.

But man was not created to be an idle spectator of this scene of magnificent beauty, nor to live an inactive pensioner on the bounty of his Maker. MAN WAS MADE FOR THE EARTH. He was not to enjoy and have dominion, alone; he was to replenish and subdue it, to dress and to keep it. Wherever man is found, he is not only the lord but the subject of nature; every where he is her beloved child, and every where, destined, by invincible necessity, to be her servant, and to compensate in grateful labor the benefits she bestows. Let us, then contemplate the earth and man in their natural and mutual relations;—the *Earth*, as the grand store-house of the Creator, in which he has treasured up the elements of life,—the teeming parent of all that is necessary to

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sustain and perpetuate animal existence; and *Man*, as the agent, by whose labor and skill these ingredients are developed, combined, modified, improved, and rendered subservient to his sustenance, convenience, and pleasure. And here commences the practice of Agriculture,—an art as old as the creation,—a science as deep and complicated as any that has ever engaged the study of the philosopher or the statesman, and which is yet in a state susceptible of elucidation and improvement.

That the art of Husbandry, or Agriculture, though less showy and fascinating than some others, is the most useful and important of all arts, is a truism of daily utterance. It attracted the attention of mankind in the earliest periods, of which history or tradition has afforded us any information. Far back, in the remotest ages, it was the study of kings and patriarchs. How could it be otherwise? The existence and prosperity of their subjects and children, in those distant ages, must have depended almost entirely on its practice. As hunters, men must have discovered, from experience, that the procuring of subsistence by the chase, and with such imperfect weapons as they possessed, was attended with infinite toil and danger,—was precarious and uncertain in the result,—and was not adapted to supply the wants or increase the comforts of social life. In the pastoral state, also, which may be considered as the second stage in the advancement of civil society, it was seen that, though more certain of subsistence and less exposed to hardship and danger, their flocks and herds were subject to innumerable accidents, and that they might be reduced to all the miseries of

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famine, by the prevalence of diseases among their cattle, or by the irruption of ferocious and hostile neighbors. Under such circumstances and apprehensions, it was natural for them to think of some means, by which they might, with more certainty, obtain and secure a supply of the necessaries of life. They would naturally turn their attention to the earth, and, by observing the quality and variety of its spontaneous productions, infer that they could draw from it, by cultivation, numerous ingredients of comfort and happiness. Experience must soon have taught them that, by proper cultivation of the soil, fruits, roots, and grain of different kinds, fit for nourishment, might be procured in abundance. Experience, also, must soon have taught them how to avail themselves of the natural fertility of different soils, the warmth of the sun, the refreshing influence of the dew and the rain, and the regular revolution of the seasons. The modes of cultivation, in those early ages, were, no doubt, extremely simple, and advanced towards their present improved condition, imperfect as it is, by slow and almost imperceptible steps.

By most of the Eastern nations, however, agriculture appears to have been particularly attended to and encouraged, from a period anterior to the oldest of those historical records, which we are accustomed to call profane history. Hesiod, the oldest Greek poet, of whom we have any knowledge, wrote a poem, entitled "The Works and Days," in which,—after describing the races of men, who, according to Grecian Mythology, flourished, successively, in the golden, silver, brazen and iron ages,—he discourses upon the seasons of agricultural labor, lays down rules for the observ-

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ance of the young husbandman, in almost every branch of labor incident to the profession of a modern farmer; and this is done in a manner, which shows that agriculture had even then become a science. The Chaldeans, we are told, carried the art to a high degree of perfection. The Egyptians were so sensible of the blessings resulting from it, that they ascribed its origin to their god Osiris, and carried their superstitious gratitude so far as to worship those animals that labored in tilling the ground. The Carthaginians are said to have applied themselves most assiduously to the practice of husbandry, and Mago, one of their generals, wrote twenty-eight books on the subject, which it is said were translated into Latin by order of the Roman Senate. One of the Roman historians asserts that Virgil used these books as a model in composing his Georgics. The ancient Romans esteemed agriculture such an honorable employment, that, in the earliest days of the republic, the highest praise, that could be given to any man, was to say of him, that he cultivated well his own piece of ground. The most illustrious senators applied themselves to the study and practice of this art. Their greatest generals, on their return from the toils of war, from the sacking of cities, and the subjugation of nations, were impatient till they were again employed in cultivating their lands; and they thought it no dishonor to follow the plough, though they were prepared to serve the republic in the senate or at the head of armies. In later times, when the Romans became more effeminate by participating in the luxuries of Asia, men of consular dignity looked upon retirement to the quiet occupations of rural life, as a reward for their public services, and deemed it an

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honor to be permitted to lay their hands upon the plough. Cato the censor, that illustrious general, orator, politician and lawyer, after having governed provinces and subjugated kingdoms, did not think it below his station or character, to write a long and elaborate treatise on agriculture. From other statesmen and scholars it received great improvements. Virgil embellished it with all the fascinating graces of poetry, and gave to it majesty and dignity by the pompous splendor of his verse.

In later times, the poets and orators of Europe, and especially those of England, have celebrated the praises of rural life and agricultural employments. One of the oldest of these poets was Thomas Tusser, who flourished during the reigns of Mary and Elizabeth. His Poem entitled the "Five Hundred Points of Good Husbandry," written about three hundred years ago, though in a quaint and homely style, might, if studied, be a faithful monitor to the farmer of the present day. The "Seasons," by Thomson, a poem which is universally read and admired, is, in the main, an agricultural poem. All the ordinary labors of the farm are rendered pleasing and attractive by the touches of his pen. Another poet, John Phillips, wrote a didactic poem on the making of Cider,—an employment, one would think, which, of all others is least susceptible of poetical embellishment; yet his poem has been justly esteemed for the truth and usefulness of its directions in the choice of fruits and the mode of their cultivation, as well as for the general sprightliness and beauty of its descriptive passages. British agriculture is now the subject of praise and eulogy all the world over. The nobles and statesmen of that country are striving

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to outdo each other in the march of improvement; and almost every arrival from her shores brings accounts of agricultural exhibitions, in which the nobility and the yeomanry, the landlords and the tenants, participate.

Nor have the writers of our own country been mute on this subject. Barlow, Dwight, Bryant, and other poets have laid their metrical contributions at the feet of the farmer; and, more than all, the sagacious Franklin and the public-spirited Washington have placed on record enduring testimonials in honor of those who cultivate the earth. Dr. Franklin, writing of an old friend, said,—"I am told he continues an active and able farmer, the most honorable of all employments, in my opinion, as being the most useful in itself, and rendering man the most independent. My namesake, his son, I hope, will soon be able to drive the plough for him." Washington, in one of his letters to Alexander Spottswood, said—"I think with you, sir, that the life of a husbandman, of all others, is the most delightful. It is honorable, it is amusing, and, with judicious management, it is profitable." And this same disinterested patriot, Washington, after conducting the armies of his country to a glorious victory over her unnatural adversary, and securing her independence, gladly retired to his farm, surrendering to the people the authority with which their representatives had invested him, and resuming the unostentatious pursuits of a private gentleman and a farmer. Surely, no further testimony can be demanded, to establish the proposition, that, to subdue and replenish the earth, to dress and to keep it, is one of the most useful and honorable employments,—honorable, by

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divine appointment—honorable, by the practice of sages and senators, of heroes and patriots—honorable, from its beneficent consequences to the human race.

The proudest throne shall crumble,
  The diadem shall wane,
The tribes of earth shall humble
  The pride of those who reign;
And War shall lay his pomp away;
  The fame, that heroes cherish—
The glory, earned in deadly fray,
  Shall fade, decay and perish:
But Honor waits o'er all the earth,
  Through endless generations,
The Art that calls her harvests forth,
  And feeds the expectant nations.*

I have said that agriculture is a profound and complicated science. The term agriculture appears to have been once applied only to the cultivation of large fields by means of the plough alone; but, long ago, it acquired a much more extensive meaning. In its present popular acceptation, it comprehends the process of ploughing and working the surface of the earth with various other implements—planting, reaping, mowing, threshing, fencing, draining, clearing, manuring, and a countless number of other operations, which are of annual occurrence in the management of a farm. It embraces also, what, in the fashionable style of the day is called *horticulture;* for a gardener, or horticulturist, is one who attends chiefly to the cultivation of fruits and flowers, and is a farmer in miniature. By the scale of premiums, which you, gentlemen, offer to-day for competition, it appears that you consider agriculture as embracing the operations to which I have alluded, and also the raising of stock,

* William C. Bryant.

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the fattening of cattle and swine, the cultivation of fruit and forest trees, the making of agricultural implements, the productions of the garden, the field and the dairy, and domestic and household manufactures,—too numerous to be named, but not the less worthy of encouragement and reward. Within a few years past, improvement in all the branches of husbandry has proceeded with rapid and successful motion,—partly by the agency of agricultural societies, and partly by means of individual effort. The premiums proposed by societies, and the bounties offered by the Legislature, have awakened ambition and stimulated enterprize. The success, which has followed competition, has excited more powerful effort, the benign effects of which may be seen in every direction. In many parts of the commonwealth, unwholesome swamps, filled with bogs, briers, and stagnant water, the abode of annoying insects and noxious reptiles, have been converted to rich and productive meadows, yielding large and profitable crops of grass, grain and roots, for the food of domestic animals;—fields, that had become sterile and barren from long and constant use, have undergone a renovating process, and now amply repay the labor of tillage;—new and valuable kinds of grain and esculent roots and vegetables have been introduced;—and wholesome fruits, of delicious flavor, now enrich the grounds of the husbandman, in places, where, not many years ago, there were only apples, which, to look at would almost set one's teeth on edge,—cherries which could not be eaten without the accompaniment of a distorted countenance,—and pears, the flavor of which might dispute the pre-eminence of insipidity with a squash.

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Should any one, who traveled through the interior of New-England forty, or even twenty, years ago and observed the aspect of the country, now go over the same route, he would find the words of prophecy literally fulfilled—the desert and the solitary place having become glad and fruitful, and the wilderness made to blossom as the rose. But there are still waste places to be subdued, barren fields to be renovated, bog meadows to be reclaimed, thorns and thistles to be eradicated, new channels of improvement to be opened, depths of science yet to be explored. Thinking men are led to investigation by every new hint or suggestion, and investigation seldom fails to produce, directly or indirectly, some beneficial effect, in the discovery of new facts or the application of principles. Every experiment by a practical farmer adds something to his capital. The examples of such men as John Lowell, John Wells, Peter C. Brooks and Josiah Quincy, have produced incalculable benefits; and what may not be expected from the persevering labors and costly experience of John P. Cushing, Daniel Webster, and Levi Lincoln,—to say nothing of the silent, calm, and modest, but eminently useful exertions of many, who practise farming on a smaller scale,—who pursue "the noiseless tenor of their way," among unfrequented mountains and valleys, but whose labors are not less beneficial to the state, and who are entitled to equal if not greater honor, as benefactors of mankind, and contributors to the general stock of national wealth and intelligence.

The raising of forest trees is a subject of great importance, and its importance is daily increasing. The Legislature, wisely, I think, has recommended it to the

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attention of the proprietors of the soil, and premiums have been offered for the cultivation of several varieties, but I am not aware that a premium has ever been claimed. There once prevailed an unaccountable propensity to destroy the forests, even where land was not wanted for tillage. The consequence is a scarcity of wood and timber. In many places, fuel has become one of the most expensive articles of domestic consumption. That individual, or that association, that should exhibit a plantation of the various kinds of trees, adapted to supply wood for fuel, timber for building, or material for the manufacture of wooden ware, would be entitled to the grateful regard of his country. The slow growth of forest trees, and the many years required to bring them to maturity, are, perhaps, reasons why so little attention has been paid to this department of agriculture. Some persons are sadly afflicted with the fear that they may do something for posterity, and seem to think nothing worth their care that does not afford immediate profit or enjoyment. It would be well for all such persons to remember the admonition, which the Laird of Dumbiedikes, on his death-bed, gave to his son and heir,—"Jock," said the conscience-stricken sinner, "when ye hae naething else to do, ye may be aye sticking in a tree; it will be growing, Jock, when ye're sleeping. My father tauld me sae, forty years sin', but I ne'er fand time to mind him." The application of the advice, and the warning conveyed in the old man's regret that he had never found time to mind it, is apparent. How many barren acres now meet the eye, where orchards might be laden with fruit. How many rows of Oak, Ash and Maple, might adorn the sides of roads, sweet-

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ening and purifying the atmosphere, and affording a refreshing shade to the traveler, a comfortable resting-place for cattle, a repose for the laborer, or a play-ground for children, where there is now nothing but weeds or briers, a harbor for snakes, and other reptiles, and yielding a harvest of seeds to be scattered over the adjoining fields, and reproduced, some thirty, some sixty, and some a hundred fold. The young should always look forward to the time, when every hour of past labor will be repaid with days of comparative ease and gratification; and the old should reflect that life may be lengthened to enjoy the reward of all that their hands find to do.

A friend once related to me an anecdote of an old farmer, who had lived over seventy years on Cape Cod, and was about selling his farm and purchasing a tract of wild land in one of the roughest regions of Vermont. One of his neighbors, astonished at what he thought the old man's folly, asked him the reason of his singular movement. "Why, (said he) I have eaten rye bread and Indian johnny-cake, long enough, and I intend to go where I can raise wheat." His neighbor said, in a sneering tone, "Do you expect to eat wheat-bread of your own raising, on land, that is yet to be cleared and broken up? You are going there to dig your own grave." "Ah! (said the old gentleman,—pointing to an orchard near by) you see those apple-trees yonder; I was sixty years old, when I planted them, and your father laughed at me as you do now, and called me a fool. But they have yielded me many a bushel of good fruit, and many a barrel of cider, which I have sold to you and your father. I hope that God has yet in store for me some more

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good, and that I shall be permitted to enjoy the fruit of my new enterprize. If not, my children will have the pleasure of telling what their father has done." The old man's hopes were not disappointed; for he lived almost to a hundred years, and left a well-cultivated farm to his family. Are not the resolution and perseverance of the old patriarch worthy of admiration? Does not his example teach an impressive lesson to those (if there be any) who neglect improvements, because they may not live long enough to see the good, which such improvements may produce for others? Who would refuse to drain a swamp or reclaim a bog from the merely selfish supposition that his neighbor's cattle, and not his own, might live upon the product of its regenerated surface? But even self-love may find gratification under all the uncertainties of life. It is some reward for labor, and a very rich reward to one of an enlightened and liberal mind, to know that he shall leave the earth in a better condition than that in which he found it; that it has been improved, beautified, and rendered more conducive to happiness, through the agency of his industry and intelligence. Such considerations will lighten toil, and sweeten reflection when toil is over.

It is generally believed that many farmers are more careful to add to the number of their acres, than to exhibit specimens of neat and profitable cultivation; and we often hear it affirmed, as a general fault of American farming, that labor is expanded over too large a surface. I will not undertake to say to what extent such opinions are well-founded; but one thing is evident,—if, under a system of judicious management, a single acre will produce as much as two acres under

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careless and slovenly culture, it is for the owner's interest to cultivate the single acre, for thereby he saves at least half his labor. An immense amount of physical energy is exhausted in mowing and ploughing on land encumbered with stumps and bushes and rocks. Many of this audience must have seen fields and meadows, in which, by a moderate computation, one third of the surface was covered with stones and stumps—many of them, perhaps, immovable without great labor and expense, but most of which might be removed. Now, why should a farmer be at the trouble of driving a plough through two acres of rocks for the sake of ploughing up one acre of soil? If he would carry off the stones from one acre he would get all the product he now obtains from two acres, and at a less expenditure of time and labor. It is true, that this removing of rocks and stumps and bushes is not accomplished without hard work; but when the land is once cleared of these incumbrances, the most fatiguing part of the work is over; the rest is all pastime and relaxation; but in ploughing and sowing, year after year, where the plough is constantly impeded in its movement, and turned out of its proper straight-forward course, there is an annual wear and tear of the human constitution, beside the unnecessary wear and destruction of farming implements, which is an expense of no inconsiderable amount. It is not uncommon to see men mowing and raking in meadows where a straight line of thirty feet could hardly be drawn, in any direction, without being brought up by a rock, a stump, a clump of bushes, or perhaps a pile of stones as large as an ordinary hay-cock. There are hundreds of acres of mowing

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land of this description in New-England, which, I venture to say, produce less hay to an acre than might be obtained from one fourth of an acre well cleared, manured, and seeded with herds-grass and clover. If I might be allowed to assume the office of monitor, I would address those who manage their farms in this manner, in the language of one of New England's favorite poets:—

'Tis folly, in the extreme, to till
Extensive fields, and till them ill.
The farmer, pleased, may boast aloud
His bushels sown, his acres ploughed,
And, pleased, indulge the cheering hope,
That time will bring a plenteous crop;
Shrewd Common Sense sits laughing by,
And sees his hopes abortive die;
For, when maturing seasons smile,
Their sheaves will disappoint his toil;
Advised, this empty pride expel—
Till little, and that little well.
Of taxing, fencing, toil, no more
Your ground requires when rich than poor,
And more one fertile acre yields
Than the huge breadth of barren fields.

The late Henry Coleman,—whose labors in the cause of agriculture can hardly be estimated too highly,—states that "the great and distinguishing difference between British and American agriculture consists in the entire freedom of the cultivated fields of England from rocks and stones. Wherever they existed, they have been removed, and there is nothing to impede the progress of the plough. In England, too, on all the improved and cultivated lands, there is a neatness and finish, that, at once, strikes the eye with pleasure; every thing is done, as it were, by line and measure; the corners and headlands are thoroughly cleared; the ditches are kept unobstructed;

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the crops are drilled in straight lines, and a recently-ploughed field resembles a plaited ruffle from the ironing-board of a neat laundress." Such exactness, he adds, is exceedingly beautiful; and though it may appear at first to consume much time, it will be found more economical in the long run, than the slovenly way in which things are often done in many places, which he does not choose to name.

Another peculiarity of British farming, which it might be well for the American farmer to adopt, is the economy in fencing. There are many farms in England with scarcely a sub-division. Pastures for sheep and cattle must, of course, be separated by fences, of some kind or other, from the cultivated fields and meadows; but these seem to be all the fences, which are absolutely necessary. "The loss of land (says Mr. Coleman) by too many fences, the loss of time in cultivating numerous small fields instead of one or two large ones, on account of the necessity of more frequent turnings and the actual cost of making and maintaining the fences themselves (not to add that they are a shelter for weeds and a harbor for vermin) are serious considerations."

A most important branch of the science of agriculture, and one in which our knowledge is more deficient than in any other, is the art of making and preserving manure. The Earth is a voracious feeder; but still she is a just and generous parent. She rejoices to take that, which her children reject as unfit for their sustenance, and she returns it in substances adapted to prolong and comfort their existence, and in forms and colors of the most attractive beauty. In some climates, kinder than ours, she does, indeed, produce spontaneously the necessaries and some of the

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luxuries of life; but in New-England, that man has observed little and learned nothing from his observation, who supposes that the ground will always bear crops, if it never be replenished with those ingredients, which it imparts to vegetation. Much has been written and published on this subject, and we find our agricultural journals are frequently and earnestly calling on the farmers to manure their fields and meadows. It is not supposed that these appeals are entirely unheeded, or that there are not many good husbandmen, who need no admonition, but may safely rely on their own intelligence and foresight; yet a superficial survey of the country would produce the conviction that too many farmers are, like the daughters of the horseleech, crying to their mother earth, *Give, Give.* Such unnatural children should know that the Earth, expects and demands something in return for the favors she bestows. It is but a poor apology for them to say that they have not a sufficient quantity of manure, to enable them to be liberal in its application. If they have not enough, let them make more; and, if they are ignorant of the process of manufacture, let them read the Massachusetts Ploughman, or the Albany Cultivator. It is easier to make manure than to make an excuse for the want of it. But there are large quantities of manure on every farm, by the sides of highways, and in the household establishment, which, if it were saved and properly applied, would be of unspeakable value. The liquid manure, which daily runs to waste on many farms, would richly repay the trouble of saving. It may be reserved for some sagacious husbandman or ingenious mechanic to contrive a plan for the preservation of this substance. Its great value is urged by almost every writer on agricul-

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ture, and must be apparent even to an indifferent observer. The rankest weeds grow in places where the water settles that has been filtered through a dung-hill, and where the ground drinks up the wash of the barn-yard. Would not a field saturated with the same liquid produce the stoutest corn? Look at the stream, which flows from the sink of a kitchen, and you will see its sides lined with barn-grass, the tops of which wave in the breeze, its stalks as stout and as tall and as heavy as those of the corn in an adjacent field. A reservoir, placed under the spout of the sink would preserve this liquid, which, however filthy and unsavory, contains ingredients, that, in Nature's laboratory, can be remodified, and reproduced in fruits and flowers, to regale the senses and contribute to the support of life.

New-England is capable of sustaining three times its present number of inhabitants. Some may think this a bold assertion. I have not the statistics before me to prove it, but I have no hesitation in repeating it. Massachusetts alone might sustain twice her present population, if all her improvable lands should be cultivated. Her soil is, indeed, rough and hard; but if her young men, who seek a freer and more easily cultivated soil in the west, or who waste their energies in cities with the idle expectation of a rapid fortune in mercantile pursuits, would remain within her borders, reclaim her bog meadows, and make some of her rough places plain; and be willing to enjoy her civil, literary and religious institutions, I cannot but think they would be able to add much to her wealth as a state, and secure to themselves as much happiness as usually falls to the lot of humanity. That so many young men are tempted to quit the farm and the work-

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shop and enter counting-houses and stores in cities, inspired with the hope of realizing a wealthy independence, in the shortest possible time, is much to be regretted, and the result too often presents a melancholy picture. From statements of well-known facts, it has been ascertained that ninety-nine persons out of every hundred, who embark in commercial pursuits, get involved in embarrassments, which compel them to stop payment, and frequently, after struggling for relief, are plunged into the gulf of bankruptcy, from which there is no redemption but by compounding with creditors, who will forever after look at them with a scornful eye, and perhaps salute them with cutting reproaches. One man out of this hundred, by a few lucky speculations, makes a fortune, and dazzles the eyes of the multitude, with an ostentatious display of his wealth. How much better and happier the farmer and the mechanic, who, though the profits of their labor may be small, are sure that those profits are their own,—that they will, in time, secure a competence,—that they are not subject to the oft-recurring fluctuations of trade,—and are out of the reach of any tornado that may sweep over the money market.

An equal division of property in land is desirable in a country that has a republican government, whatever political economists may have to say in favor of large landed estates. By equality of property I do not mean that community of property, which is contended for by Charles Fourier and his disciples—nor do I stand here to advocate the doctrine, which proposes an inalienable homestead for every man;—those things I leave in the hands of such as have more skill than I have to reconcile what seem to me to be impracticable theories; but I mean to say, that the less disproportion

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there is in the amount of property held by the individuals of a community, the greater is the probability that that community will be bound together by common interest, common feelings, and common principle. Thus, in a town, a county, or a state, with a certain number of inhabitants, if the landed property be owned by three fourths or seven eighths of the individuals who reside on it, there will be more unity of sentiment, principle, and feeling—more regard for the support of the civil and religious institutions—more care to improve the condition and elevate the character of society, than if the property were vested in one fourth or one eighth of the resident population. The principle I contend for may be illustrated by reference to Great Britain, where, it is said, the whole landed property of the kingdom is owned by less than thirty thousand persons,—of course, not quite one person in a thousand owns a foot of the soil on which he stands, and can hardly claim a right to that portion of the atmosphere which he breathes.

The New-England farmer, who seeks to accumulate property, and to connect the possession of it with honor and content, will early discover the wisdom of the text which declares it is not meet that man should be alone. Property and marriage are said to be, at all times, the two most powerful institutions to calm, protect, and improve mankind, and to have been, through all ages, the true nursery of the commonwealth. A farmer without a family is a solecism in nature; and no family can exist, but where the institution of marriage exists, as an exclusive and permanent connection of the sexes. The arts of housewifery are essential adjuncts to the science of husbandry.

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The household manufacture, carried on by the provident and careful housewife, and the female members of the family, under her direction, is an important department of rural industry. The beautiful specimens of female handiwork, now on exhibition at the fair of the Mechanic Association in Boston, as well as those which form an interesting part of your own exhibition to-day, appeal powerfully to the patriotism of the spectators. Such tokens of ingenuity and industry demand and should receive the support and encouragement of all, who desire to see our country independent of foreign manufacturers. Some of those articles may triumphantly challenge comparison, and place the women of New-England on the summit of competition, in respect to ornamental industry; and where the labor required to execute these works of taste and fancy does not interfere with more important and appropriate duties, let it be indulged. The parlor, the nursery, the dairy and the kitchen, furnish, each in its season, opportunities for the exercise of invention, affection, and economy, and the accomplished housewife will distribute and apply her industry to each. He who excelled all the monarchs of the earth in wisdom as well as in the splendor and magnificence of his court, declared, that "strength and honor shall be the clothing of that wife, who layeth her hands to the spindle, and whose hands take hold of the distaff. The heart of her husband doth safely trust her; she shall rejoice in time to come, and her children shall rise up and call her blessed. Give her of the fruit of her hands, and her own works shall praise her in the gates."

But why should I occupy your time and make trial of your patience, by pursuing this course of desultory

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and disconnected remark? On subjects purely agricultural, and most pertinent to this occasion, I feel my inability to instruct or enlighten; and to continue to discourse upon matters, with which you are all familiar, might justly subject me to the charge of ignorance or conceit. Let me, then, refrain from any further attempt to teach, what you already know, and advert to some of the privileges and responsibilities of the yeomanry—a class to which we of this audience have the happiness to belong.

The great majority of the people of our country compose that body, which, without disrespect or reproach, may be called the *middle class;* and this class embraces the husbandmen, the mechanics, the manufacturers, the traders, and, in short *all*, whose circumstances place them in a condition between absolute poverty and superfluous wealth. Most of the farmers are owners of the soil they cultivate, and are deeply interested in the preservation of national freedom, and the general honor and prosperity of the country. The constitution and laws give to the majority of the male population the right to choose those, who shall make and administer the laws. The nature of the laws and the characters of those, who are to execute them, must, therefore, be such as we of this middle class choose to have them. To us, then, and our fellow-laborers in this widely-extended land, is committed the destiny of the country, —a glorious, a solemn, an awful responsibility. The country is not ours for the single purpose of enjoyment. It is ours to improve, to enrich by the skill and labor of our hands, and to transmit to our children. It is ours in a still nobler sense. It is ours to govern by wise laws, to improve, by diffusing every where, the privileges and the benefits of free intellectual and moral

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education. It is ours to hand down to posterity, a glorious inheritance, rich in all that is intelligent, virtuous and good; beautiful with all that genius can invent and art accomplish; admired for all that is peaceful, magnanimous, generous and holy; trusted for all that is upright and true; respected for all that is truly great and dignified; loved and reverenced for all that tends to create universal happiness and secure the eternal freedom of the human race.

To bring about such a glorious consummation, the great mass of the people must be educated—not merely in the arts and sciences, whose purpose is to develop the sources of wealth, or to open the avenues to popular distinction; but in the principles of civil liberty, of religious and moral obligation. Let no man rest satisfied with the belief that he has *educated* his children when he has only taught them to read and write, and calculate the interest on a note, or the profit and loss in a given bargain; or when they are merely instructed in an occupation or trade, by which they are designed to earn a livelihood. Nor let any man deceive himself and wrong his children by supposing that a knowledge of the simple elements of learning are enough for those who are destined to be farmers or mechanics—an error, which is too prevalent and frequently fatal. There are certain branches of learning with which every one, whatever may be his profession, should be acquainted. A knowledge of some of the physical sciences is as important to the farmer and the mechanic as to the lawyer, the doctor, or the clergyman. They should be familiar with the elements of chemistry, the substances that compose earth and water, the essential properties and effects of the atmosphere, the anatomical structure of all domestic animals. Some knowledge of botany

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and vegetable physiology is a desirable accomplishment for a farmer, for on it is founded the arts of grafting, budding and transplanting. There is, indeed, no branch of learning, which a farmer may not turn to profit and amusement. It is thought by some, that what is usually called a liberal education unfits one for the laborious employments of husbandry. It is not so. No one was ever the worse farmer for being familiar with the sciences of astronomy, chemistry, hydraulics, and mechanics. Natural philosophy and natural history, are studies, which add grace and dignity to the character of the industrial population; but above all, and more than all, it is indispensable that children and young persons, for whatever occupation they may be designed, should be well indoctrinated in the principles of rational liberty, the theory of our constitutions and the organization of the government; the utility and importance of our civil, moral and social institutions. Let them be taught to think for themselves, and to scorn that species of mental and moral servitude, which adopts creeds and follows opinions, without sober examination, and which fears to investigate popular claims to infallibility, whether in politics, religion or philosophy. There are no chains more galling than those, that are imposed on the understanding—no slavery is more humiliating than that which confines the thoughts within the narrow limits of a dogmatical philosophy, and binds the soul to the low pursuits of time and sense, when it should be permitted to scale the walls of heaven in its upward flight and to walk among the stars. Yet there are many who submit to this degrading slavery without a murmur, and wear those chains with reverence and rattle them with as much delight as if the sound proceeded from the lyre of a seraph. The

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stability of our government and the permanency of our civil, religious and literary institutions, have no other safeguard than the intelligence and virtue of the people; and there can be no vitality in virtue where there is not perfect independence of sentiment—personal independence of all theories and systems, that pretend to infallibility, while they enslave the mind and subject the human energies to the spirit of despotism.

The position of the agricultural and laboring classes in society is a happy one, and their employments are the most conducive to happiness. The pomp and parade, and the ostentatious luxury of the few, whose superfluous wealth enables them to obtain more *notoriety* than *nobility*, sink into insignificance when compared, in the minds of reasonable and humane men, with the quiet occupations and unassuming wishes of the *middle class*. "Give me neither poverty nor riches," is a prayer founded on a knowledge of human nature, and justified by the experience of ages. It asks for a situation, that affords the best opportunity for the improvement and enjoyment of the mind, is the least exposed to temptation, and is the most susceptible of that happiness which satisfies the longings of an immortal soul. It is a state in which have originated the noblest examples of virtue and of patriotism, which the world has ever seen. The Almighty God, who gives his sun to shine with as much radiance on the cottage as on the the palace, has dipersed the glorious privilege of genius and virtue to the industrious husbandman, the hardworking mechanic, the intrepid sailor, and to him who labors in the coal-mines and the factory, with a liberality seldom experienced by the possessors of hereditary wealth and official grandeur. From this class have arisen most of the great Reform-

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ers, to whom the world is indebted for emancipation from the bonds of superstition and political thraldom. The greatest scholars, poets, orators, philosophers, statesmen, and inventors and improvers of the arts, have emerged from poverty and obscurity by their own virtuous energies. Time would fail me to rehearse the names of those, even in our own country, who from the farm, and the workshop, have come forth as statesmen, heroes, philosophers, benefactors of mankind. The greatest philosopher of the last century, once bore the character of a run-away apprentice, was then a journeyman printer, and finally a minister plenipotentiary from his native country to the most powerful court in Europe. And he, who proverbially was first in war, first in peace, first in the hearts of his countrymen, began his career of glory, as a surveyor in the forests of Virginia, with no other implements of science than his compass and chain. Yet "God selected the Virginia stripling to give an impulse to human affairs, and, as far as events depend on an individual, placed the rights and the destinies of countless millions in the keeping of the WIDOW'S SON."*

The constitution and laws of our country are founded on true principles of civil liberty. The great mass of the people are warmly attached to liberty. Why, then, it may be asked, is liberty ever in danger, and why is it said, with such solemn emphasis, that its price is eternal vigilance? There would be no danger, if the public mind could be kept free and uncorrupted; but the public mind, the feelings, the prejudices and sympathies of the masses, are continually subjected to the attacks of counterfeit patriots, deceitful demagogues, and pestilent politicians, whose avarice, selfishness, or

* Bancroft's History of the United States.

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ambition, is perpetually poisoning the fountains of knowledge. The demagogue is surrounded by dependants, whom his cunning and profligacy keep in his service; and, if he has patronage to dispense, or if he has political power and prerogative in prospect, base flatterers and hungry office-seekers cringe and crawl and flutter around him—

> As morning insects, that, in muck begun,
> Shine, buzz, and fly-blow in the mid-day sun.

These are the foes to liberty, and against the assaults of such enemies, the surest defence is a well-educated, intelligent, virtuous yeomanry. The public mind, it seems to me, is undergoing a process of degradation. The grand object of many prominent political leaders, (it was said by an English writer of the last century, and, it is feared that the application may be too truly made in the present age and in our own country) appears to be, to "support and increase the power that appoints to splendid and profitable offices, with little regard to the improvement of national affairs, the alleviation of the evils of life, or the melioration of the human race. Neither the restraints of moral honesty, nor the scruples of religion, have much influence in impeding the accomplishment of this primary purpose. A little varnish is indeed used to hide deformity that would otherwise be alarming, but it is so very thin that among thinking men it only increases the detestation it was intended to extenuate." The indifference, —not to say approbation—with which such conduct is viewed, tends strongly, in my judgment, to prove the corruption of the public mind, if it does not furnish irrefragable evidence that the popular sentiment is already plunged into a gulf of depravity and putre-

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faction. "Whatever may be urged by sophists or politicians (says the same eminent writer) it is certain that the great eternal laws of truth and justice cannot be violated with impunity. The violation may answer some sordid and temporary purpose; but in the end, it must be injurious if not fatal. Truth, like the sun in the heavens, is one. The clouds indeed are variegated; but then they are insubstantial, and of momentary existence. So is Falsehood. It can assume any color. But Time causes the hues to fade, and Truth bursts forth with new effulgence."*

Let it be always remembered, that when a man ceases to venerate virtue in himself, he loses all sense of moral beauty in the human species. He has no longer any sympathies with humanity. Selfishness is his ruling passion, and he follows its dictates without scruple and without remorse. Watch all such men with sleepless vigilance. Educate your children in the principles of morality and liberty. Tell them to reject all political ethics, that contradict the acknowledged principles of truth and moral honesty. Teach them that personal independence must not be bribed by gifts, or promises, or expectations. Let them not grow up in a disposition of indifference to public affairs, and ignorant of the dangers to which their freedom and independence are exposed, and thus leave the field open to those who have the least claim to its possession. When a people become so debauched as to consider political advancement, and titles, and money, as the chief end of man, weighed with which honesty and conscience, and purity of moral character, are but as the dust of the balance, then constitutions and laws, and bills of rights, will receive but little reverence, and

* Viessimus Knox.

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that people are prepared for the lowest state of degradation—submission to a government based on intrigue, selfishness, falsehood and chicanery. To avoid the result of such principles, the corruption that renders them endurable must be resisted and repelled. We must learn to consider that political distinction and enormous wealth do not constitute the chief good; and that personal independence and conscious rectitude are important ingredients in the happiness of life. We are placed on a world where we can enjoy much good; let it be our purpose to improve it,—not merely as a place of residence for a few short years, but also as a school where we are to train ourselves and educate our children for higher pursuits and nobler employments. "The power which thinks and acts in us is, from its nature, as eternal as that which holds together the sun and the stars; its organs may wear out and the sphere of its action may be changed, as earths wear away and stars change their places. But its nature is immortal, and the foundations of our spiritual and intellectual being are as fixed as the pillars of the universe."* All that we see on the earth, decays, perishes and passes away, and all the pride and pomp of the world are exposed to inevitable destruction; but there are habitations and worlds that defy the changes of time and seasons. The place and the hour and the mode of our future existence are unknown, but we may be sure, that whatever and wherever we may be, we shall have a being in the inconceivable harmony of some world of the universe of God.

Let us, then, friends and fellow-laborers, learn to look around us and above us as the offspring and heirs of Heaven—to leave the earth contentedly, and to bless

* Herder's Philosophy of Man.

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it as the ground on which we have sported as children of God and of immortality,—as a school where we have been brought up, and educated in joy and in sorrow, from youth to manhood. We have no further claim on it. It can have no further claim on us. "Crowned with the cap of Liberty and girded with the zone of heaven," let us cheerfully set our feet forward, and, with uplifted eye, and outstretched hand, stand erect as sons of the family, awaiting the Father's call.

Gentlemen and Friends, once more I repeat, the destiny of our beloved country is in your hands. Your society, every individual of our great social and civil society, in proportion to his capacity and opportunity, is responsible for the trust, and posterity will hold us to a strict account of our stewardship. By every consideration of honor and patriotism—by gratitude to God and love to man, we are bound to fidelity,—and wo, wo, eternal wo upon our heads, if we forfeit the pledge. The voices of our fathers call to us from the land of shadows, and warn us of the irrevocable state of perdition that awaits us, if, by neglect, or mismanagement, or treachery, we impair the value of the legacy, that belongs to our children. May we so guard, occupy and improve it, that when the labors of mortality shall be over, we may look from the abode of the spirits of just men made perfect on a Paradise that we have saved, improved, and blessed, and hear anthems of gratitude swelling from the lips of countless generations.

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Commonwealth of Massachusetts.

IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND FIFTY.

An Act to Incorporate the Franklin County Agricultural Society.

Be it enacted by the Senate and House of Representatives in General Court Assembled, and by the authority of the same, as follows:

SECTION 1. Horatio G. Newcomb, David R. Wait, Wendell T. Davis, their successors and assigns are hereby made a Corporation by the name of the Franklin County Agricultural Society, for the encouragement of Agriculture and the Mechanic Arts, by premiums and other means, in the town of Greenfield, in the County of Franklin with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the forty-second and forty-fourth chapters of the Revised Statutes, and all subsequent acts concerning Agricultural Societies, and said Corporation may hold and manage real estate not exceeding in value the sum of fifteen thousand dollars, and personal estate not exceeding the same sum, for the purposes aforesaid, and said Corporation shall be entitled, on the same terms as other agricultural societies, to recieve annually from the Treasury of the Commonwealth, such sums as any other agricultural society may re-

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ceive under the provisions of chapter forty-second of the Revised Statutes, notwithstanding the restrictions in the second section of said chapter.

House of Representatives, March 19, 1850.

Passed to be enacted.

ENSIGN H. KELLOGG, SPEAKER.

In Senate, March 20, 1850.—Passed to be enacted.

MARSHALL P. WILDER, PRESIDENT.

March 20, 1850.—Approved.

GEORGE N. BRIGGS.

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BY-LAWS

OF THE

FRANKLIN COUNTY

AGRICULTURAL SOCIETY.

ARTICLE 1. Any person who has subscribed and paid, or who shall hereafter subscribe and pay the sum of five dollars, or more, on or before the day of the Annual Fair in each year, shall be considered a member for life.

ART. 2. Any person who has subscribed and paid, or shall subscribe and pay, on or before the day of the Annual Fair in any year, one dollar, shall be a member for a year.

ART. 3. The officers of this Society shall consist of a President, five Vice Presidents, and an Executive Committee of eleven, of which the President and Vice Presidents shall be members *ex officio*, also a Secretary and Treasurer; all of which officers shall be elected by ballot, annually, unless the Society at their meeting shall otherwise determine, and shall hold their offices until others are elected in their stead.

ART. 4. The President shall preside at all meetings, and in his absence, any one of the Vice Presidents.

ART. 5. The Secretary shall keep a true record of all the proceedings of said Society and of the Executive Committee; and shall be sworn to the faithful discharge of his duty.

ART. 6. The Treasurer shall keep a Book, wherein all receipts and payments of money shall be entered, and the same shall be

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open for the inspection of any member of this company, and he shall account with the Executive Committee whenever required by them, and shall give bonds in such sum as the Executive Committee shall determine.

ART. 7. The Executive Committee shall call special meetings of the Society when necessary, designate the time and place of holding the Annual Exhibitions, and make all necessary arrangements for the same, and shall have the general supervision of the affairs of the Society, and the control of the funds of the Society, and shall have power to appoint committees for examination and awarding premiums, and to appoint all the necessary committees.

ART. 8. The Annual Meeting shall be holden at Greenfield, on the first Wednesday in January, in each year, and twenty-five members shall constitute a quorum for transacting business at any meeting.

ART. 9. All meetings of the Society shall be called by publishing a notice thereof in one or more of the news-papers printed in this County, stating the time, place, and object of the meeting, and signed by the Secretary.

ART. 10. These By-Laws may be altered or amended at any meeting called for that purpose, by a majority of the members then present.

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OFFICERS AND LIFE MEMBERS

OF THE

Franklin County Agricultural Society,

SEPTEMBER 25, 1850.

PRESIDENT,

HENRY W. CLAPP, *Greenfield.*

VICE PRESIDENTS,

WILLIAM E. BARDWELL, *Shelburne.*
MOSES STEBBINS, *Deerfield.*
HENRY W. CUSHMAN, *Bernardston.*
JAMES WHITE, *Northfield.*
R. B. HUBBARD, *Sunderland.*

EXECUTIVE COMMITTEE,

WILLIAM KEITH, *Greenfield.*
P. P. SEVERANCE, *Montague.*
ALFRED WELLS, *Greenfield.*
ASA STEBBINS, *Deerfield.*
J. J. PIERCE, *Greenfield.*

SECRETARY,

WENDELL T. DAVIS, *Greenfield.*

TREASURER,

A. G. HAMMOND, *Greenfield.*

LIFE MEMBERS.

ASHFIELD.

Hosea Blake,
Sanford Boice,
*Charles Knowlton,
Sidney G. Brooks,
William F. Bassett.

BERNARDSTON.

Dalton Newcomb,
Imla K. Brown,
Seorem B. Slate,
Edward Pratt,
James C. Root,

* Deceased.

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Ralph Cushman,
Isaac Burrows,
Jason Brown,
Silas M. Brooks,
Israel P. Hale,
Z. C. Newcomb,
Henry W. Cushman,
John Sanderson,
Edward E. Powers,
Aretas Ferry,
Field W. Cushman,
P. L. Cushman.

BUCKLAND.

E. Maynard.

CHARLEMONT.

R. H. Leavitt,
Elias Taylor.

COLERAINE.

Franklin Newell,
Baxter Bardwell,
Rominer Smith,
Morris Pierce,
Jonathan Johnson,
David S. Pierce,
Charles Wilson,
John M. Miller,
David A. Denison,
Clark D. Shearer,
Asaph W. Snow,
Gilbert Greene,
William Stewart.

CONWAY.

Consider Arms,
Samuel Stebbins,
James S. Whitney.

DEERFIELD.

David R. Wait,
Henry Wait,
Orra Sheldon,
John D. Ely,
Ralph Clapp,
Willard Allen,
Nye Haskell,
Benjamin Cantrell, Jr.,
Edwin H. Clapp,
Joel DeWolf, Jr.,
James Jones,
Almon DeWolf,
Henry Stebbins,
Horatio Hawks,
Moses Stebbins,
Newcomb Graves,
Asa Stebbins.

ERVING.

None.

GILL.

E. O. Purple,
Benjamin Barton ,
Samuel Stratton, 2d.,
Roswell Purple,
Dorus Bascom,
Elijah Green,
T. M. Stoughton,
Jonathan S. Purple,

GREENFIELD.

Albert H. Nims,
William Keith,
D. N. Carpenter,
Thomas Wait,
G. C. Munsell,
A. G. Hammond,
Geo. P. Field,
Albert Smead,
John Russell,
Samuel Pierce,
Peleg Adams,
Barnard A. Newell,
Cephas Root,

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Wendell T. Davis,
L. Merriam,
Rufus Howland,
Geo. Grennell,
John P. Rust,
Edwin A. Clark,
William H. Strong,
Thomas W. Ripley,
David S. Jones,
William H. Allen,
Franklin R. Allen,
Henry W. Clapp,
Charles S. Jones,
Ambrose T. Thayer,
S. S. Eastman,
Whiting Griswold,
Samuel H. Reed,
Almon Brainard,
John J. Pierce,
David Aiken,
Isaac Barton,
Lyman G. Barton,
John R. Holton,
A. Phelps,
Geo. Keith,
Geo. Pierce,
L. D. Seymour,
D. W. Alvord,
Franklin Ripley,
William Elliot,
Charles A. Mirick,
Lucius Nims,
James Avery,
J. H. Hollister,
A. E. Reed,
Charles K. Grennell,
William Smead,
Geo. W. Potter,
J. Beals,
John J. Graves,
Anson Warner,
R. W. Cook,
H. G. Newcomb,
Levi Jones,
Richardson Hall,
M. H. Tyler,
Quintus Allen,
Jesse Coombs,
H. C. Newton,
Justin Root,
Josiah Day,
Geo. T. Davis,
James Newton,
Asa Eldridge,
L. D. Joslyn,
J. D. Pierce,
Jesse F. Smead,
Henry Chapman,
S. O. Lamb,
E. Q. Nash,
C. L. Smead,
John S. Newton,
J. S. Potter,
Theodore Martindale,
Alfred Wells,
Henry A. Ewers,
E. A. Parmenter,
Ebenezer Thayer,
John Thayer,
Daniel Wells,
L. M. Ward,
G. A. Bates, Jr.,
Ozias Nutting,
T. M. Dewey,
Charles Devens, Jr.

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Aaron Budington.
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Otis Gunn,
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NORTHFIELD.
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Joel Fay,
J. P. Webb,
Charles Mattoon,
James White,
Jonathan Minot.
ORANGE.
James Kilburn.
Chauncey Merriam,
Daniel Frost,
B. G. Putnam,
Salmon Howard,
William B. Washburn.
SHELBURNE.
Peter Peck,
William Long, Jr.,
David Wells,
Henry Wells,
O. D. Newhall,
Charles Wells,
William E. Bardwell,
Abner Peck,
Joseph Sweet,
Amos Allen,
Ebenezer Bardwell,
Stephen Fellows,
Edmund Skinner,
Solomon Smead,
John A. Andrews,
Abijah H. Dole.
Samuel Fisk,
John S. Taylor,
Moses A. Barnard,
Geo. W. Carpenter,
Daniel R. Dole,
Orsamus O. Bardwell,
Cephas Alvord,
Joseph Anderson,
Charles Taintor,
Solomon Hawks,
Clark Slate,
Jonathan Slate,
Alonzo Long,
Lewis Long,
G. Jones,
Nathan O. Newhall,
Nathaniel Lamson,
S. L. Bardwell,
Asa Severance,
Solomon B. Fisk,
Ira Merrill,
Milo Wilson,
E. G. Lamson.
SUNDERLAND.
Hubbard Graves,
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E. Smith,
Charles Whitmore,
William W. Russell.
WARWICK.
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